



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Second day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2787 of 2018

VIJAY

... PETITIONER/ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
KUMBAKONAM EAST POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO. 21/2018

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.RAJENDRAN Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

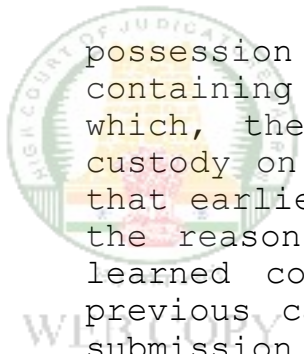
The petitioner / A1, who was arrested on 15.01.2018 for the offence punishable under Sections 4(1) (aa), 4(1-A) of TNP Act in Crime No.21 of 2018 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner and another accused were found in illegal possession of 432 Nos. of bottles containing 180 ml brandy liquor and 20 Nos. of loose bottles. Hence, the present case has been registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 15.01.2018 onwards.

4.The learned Government Advocate (Crl.side) submitted that investigation is still pending.

5.The submissions made by the learned counsels appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner and another one accused found in



possession of 432 Nos. of Indian Made Foreign Liquor bottles containing 180 ml brandy liquor and 20 Nos. of loose bottles, for which, the petitioner was arrested and remanded to the judicial custody on 15.01.2018. Now, on perusal of the documents, it seems that earlier bail petition filed by the petitioner was dismissed for the reasons that he is having 4 previous cases. As of now, the learned counsel appearing for the petitioner submitted that the previous cases were registered only for the minor offences. The submission made by the petitioner's counsel is not disputed by the learned Government Advocate (Crl.side).

6. Therefore, considering the period of incarceration of the petitioner, further custodial interrogation may not be necessary for completing the investigation.

7. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. Accordingly, **the petitioner is ordered to be released on bail** subject to the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kumbakonam;

(ii) the petitioner is directed to appear before the respondent police daily at 10.00 a.m. for a period of three weeks and thereafter, as and when required;

(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-

22/02/2018

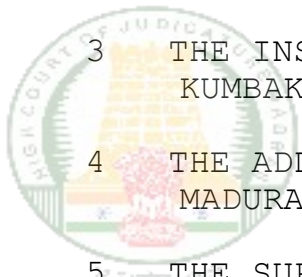
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.II, KUMBAKONAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
THANJAVUR DISTRICT AT KUMBAKONAM.



3 THE INSPECTOR OF POLICE
KUMBAKONAM EAST POLICE STATION, THANJAVUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

5 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

+1. CC to M/S.K.RAJENDRAN Advocate SR.No.2897

SMA/CM/SAR 1/22.02.2018 : 3P/7C

ORDER

IN

CRL OP (MD) No.2787 of 2018

Date :22/02/2018