



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

Monday, the Ninth day of April Two Thousand and Eighteen

PRESENT

**The Hon`ble Mr.Justice G.R.SWAMINATHAN**

CRL OP(MD) No.5398 of 2018

K.MURUGESAN

... PETITIONER / PETITIONER / ACCUSED No.2

Vs

THE STATE REP. BY  
THE INSPECTOR OF POLICE,  
PEW POLICE STATION, KARUR DISTRICT.  
CR.NO.314 OF 2018.

... RESPONDENT / RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.MATHIYALAGAN Advocate

For Respondent : PRABU RAMACHANDRAN, Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

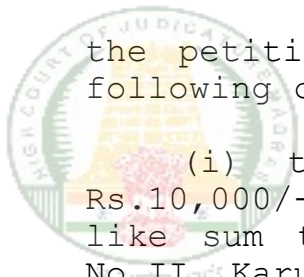
The petitioner is arrayed as Accused No.2. He was arrested by the respondent police and remanded to judicial custody on 22.02.2018 for the offences punishable under Sections 4(1)(a) r/w.4(1-A) of Tamil Nadu Prohibition Act and 328, 468, 471, 473, 484, 486, 487, 120(b) r/w. 34 I.P.C., in Crime No.314 of 2018 on the file of the respondent police. He seeks bail.

2.On 22.02.2018 at 17.00 hours, the respondent police found that the first accused carrying 23 quarter bottles of IMFL in his bike. Therefore, the respondent police registered a case in Crime No.314 of 2018 for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person. He was arrested based on the confession statement made by the first accused and he prays for bail in favour of the petitioner.

4.The learned Government Advocate(Criminal Side) submitted that no previous case is pending against the petitioner.

5.Taking note of the fact that there is no previous case is pending against the petitioner and also the fact that the petitioner is in judicial custody since 22.02.2018, this Court is inclined to enlarge the petitioner on bail with certain conditions. 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.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Karur.

(ii) the petitioner is directed to appear before the respondent police as and when required for interrogation.

(iii) 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/-

09/04/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO-II,  
KARUR.

2 DO THOUGH THE CHIEF JUDICIAL MAGISTRATE,  
KARUR DISTRICT.

3 THE SUPERINTENDENT,  
CENTRAL PRISON,  
TRICHY.

4 THE INSPECTOR OF POLICE,  
PEW POLICE STATION, KARUR DISTRICT.

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

+1. CC to M/S.R.MATHIYALAGAN, Advocate SR.No.5677.

ORDER

IN

CRL OP (MD) No.5398 of 2018

Date :09/04/2018