



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

Friday, the Twenty First day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.22621 of 2018

SAMRAJ

... PETITIONER /1st ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
PEW THUCKALAY, KANYAKUMARI DISTRICT.
CRIME NO.823/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.MOHAMED HANEEF, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 08.12.2018 for the offences punishable under Sections 4(1-A), 4(1)(i), 14A & 24 of the TNP Act, in Crime No.823 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that based on a complaint made by one Radha, the defacto complainant along with higher police officials went for an usual raid in TASMAL Bar attached to the TASMAL shop No.4714 at Marunthukottai, where the accused persons having Datura in the liquor which is a contraband and all the accused persons ran away from the place. Hence, the case was registered.

3.The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl. Side) submits that investigation is still pending. The petitioner is A1 and he is the owner of the TASMAL Shop.

5.Considering the facts and circumstances of the case, this Court is inclined to grant bail to the petitioners.



6. Accordingly, the petitioner is ordered to be released on bail on his executing 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.I, Padmanabapuram and on further condition that:

[a] the petitioner shall report before the respondent police as and when required for interrogation.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned 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 learned 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

21/12/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, PADMANABAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE OFFICER INCHARGE, DISTRICT JAIL,
NAGERCOIL.
4. THE INSPECTOR OF POLICE
PEW THUCKALAY, KANYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.A.MOHAMED HANEEF Advocate SR.No.23849

ORDER

IN

CRL OP(MD) No.22621 of 2018

Date :21/12/2018

MS/PN-AC/SAR-4/21.12.2018/2P.7C