



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Fifteenth day of June Two Thousand Eighteen

PRESENT

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

CRL OP (MD) No.9897 of 2018

KALIYAMOORTHY

: PETITIONER / SOLE ACCUSED

Vs

STATE REP BY
THE INSPECTOR OF POLICE
P.E.W POLICE STATION
KUMBAKONAM
THANJAVUR DISTRICT
CR.NO.400/2018

: RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.RAMESHKUMAR Advocate

For Respondent : M/S A.ROBINSON, Govt. Advocate (Crl. Side)

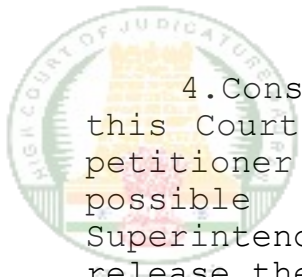
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as sole Accused. He was arrested and remanded to judicial custody on 12.06.2018 for the offence punishable under Sections 4(1)(aa), 4(1)(i) and 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.400 of 2018 on the file of the respondent police. He seeks interim bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent.

3.The learned counsel for the petitioner submitted that the petitioner is said to be having two previous cases registered under the same Act, but, they are bailable in nature. The petitioner's father has passed away on 14.06.2018. Therefore, the petitioner is unable to move the Sessions Court, Tanjore. This Court, therefore permitted him to apply for bail directly, since the petitioner's presence is necessary for performing funeral rites.



4.Considering the special facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. Since the petitioner has to rush for performing final rites, it would not be possible for him to furnish the sureties. Therefore, the Superintendent of Sub Jail, Thiruvidadaimaruthur is directed to release the petitioner forthwith on production of this order.

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5.The petitioner shall furnish the sureties on 20.06.2018, 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.I, Kumbakonam.

(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/-
15/06/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KUMBAKONAM
- 2 DO THROUGH CHIEF JUDICIAL MAGISTRATE, KUMBAKONAM
- 3 OFFICER INCHARGE SUB JAIL, THIRUVIDAIMARUTHUR
- 4 THE INSPECTOR OF POLICE, P.E.W. POLICE STATION
KUMBAKONAM, THANJAVUR DISTRICT
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.D.RAMESHKUMAR Advocate SR.No.10551
ORDER

IN
CRL OP(MD) No.9897 of 2018
Date :15/06/2018