



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

Wednesday, the Ninth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.375 of 2019

1 RAHUL
2 RAJA
3 PRAKASH
4 SUMAN
5 SEERALAN

... PETITIONERS / ACCUSED
No.5 to 9

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
TAMIL UNIVERSITY POLICE STATION,
THANJAVUR DISTRICT.
Crime No.215 of 2018

... RESPONDENT/ COMPLAINANT

For Petitioners : Mr.S.MAHENDRAPATHY Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners were arrested and remanded to judicial custody since 13.12.2018 for the offences punishable under Sections 420, 468, 471, 473, 485, 486 and 120 (b) IPC and Sections 4(1)(aaa), 4(1)(b)(5), 4(1-A) of the TNP Act and 5,7 of TN RS Rules, 2000 in Crime No.215 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 12.12.2018 at about 16.00 hours, while the respondent police conducted a ride and a search in the house belongs to one Jeyakumar, they found 48 bottles of brandy and forged labels. The entire contraband was seized.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.



4. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side).

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

6. Accordingly, the petitioners are ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thanjavur, and on further conditions that:

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

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

[c] the petitioners 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/-
09/01/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO II, THANJAVUR.

2.THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM,

3.THE INSPECTOR OF POLICE,
TAMIL UNIVERSITY POLICE STATION,
THANJAVUR DISTRICT.



4. THE SUPERINTENDENT,
TRICHY.

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

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+1. CC to Mr. S. MAHENDRAPATHY Advocate SR.No.533

ORDER

IN

CRL OP (MD) No.375 of 2019

Date : 09/01/2019

TK/VR/SAR-2/09.01.2019/3P/7C