



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

Wednesday, the Twenty Seventh day of March Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4563 of 2019

1 ANBU

2 BALU

... PETITIONERS / ACCUSED NO.2 & 3

Vs

STATE REP.BY

THE SUB INSPECTOR OF POLICE
CHINNALAPATTY POLICE STATION,
DINDIGUL DISTRICT.

(CRIME NO.51 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.R.VENKATESAN, Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

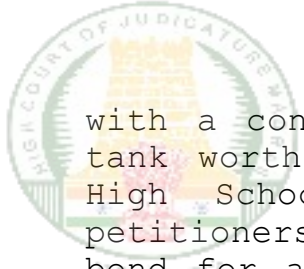
The petitioners, who were arrested and remanded to judicial custody on 13.03.2019, for the offence under Section 4(1-A) of Tamil Nadu Prohibition Act, in Cr.No.51 of 2019, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners were found in possession of 273 Nos of brandy bottles of liquor.

3.The learned counsel appearing for the petitioners would submit petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, on instruction, he would further submit that the petitioners are ready to deposit any amount to the Government school for the welfare of the students without prejudice to his contentions.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that no case is pending against the petitioners. However, bail may be granted by imposing stringent conditions.

5.Considering the nature of the case and considering the period of incarceration ,I am inclined to grant bail to the petitioners



with a condition that the petitioners shall purchase Sintex water tank worth about Rs.10,000/- and give the same to the Government High School, Kamarasar Salai, Chinnalapatty. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate III, Dindigul and on further condition that:

(a) the petitioners are directed to purchase Sintex water tank worth about Rs.10,000/- and give the same to Government High School, Kamarasar Salai, Chinnalapatty, and thereafter sureties shall be accepted

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

27/03/2019

/ TRUE COPY /

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

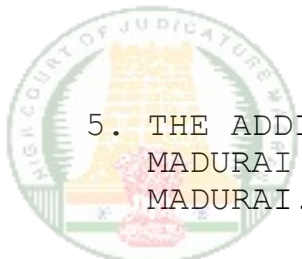
TO

1. THE JUDICIAL MAGISTRATE NO.III, DINDIGUL.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3. THE SUB INSPECTOR OF POLICE
CHINNALAPATTY POLICE STATION,
DINDIGUL DISTRICT.

4. THE OFFICER INCHARGE, DISTRICT PRISON,
DINDIGUL.



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

COPY TO:

THE HEAD MASTER,
GOVERNMENT HIGH SCHOOL,
KAMARASAR SALAI,
CHINNALAPATTY.

+1. CC to Mr.R.VENKATESAN Advocate SR.No.5613

ORDER

IN

CRL OP (MD) No.4563 of 2019

Date :27/03/2019

MS/VR/SAR-4/28.03.2019/3P.7C