



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

Friday, the Eleventh day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.509 of 2019

1 PRABUDEVA

2 GURUDEVA

... PETITIONER / ACCUSED No. 1 & 2

Vs

THE STATE, REP. BY,
SUB INSPECTOR OF POLICE,
KUMBAKONAM PEW POLICE STATION,
THANJAVUR DISTRICT.
(CR.NO.1085/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.M.KARUNANITHI 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 30.12.2018 for the offences punishable under Sections 4(1) (aaa) and 4(1-A) of TNP Act and Sections 294(b), 307 of IPC in Crime No.1085 of 2018, on the file of the respondent police, seek bail.

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

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case.

4. The learned Government Advocate(Crl.Side) would submit that there is no previous case pending against the petitioners. He would submit that property has been recovered.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioners and also the fact that the property has been recovered, this Court is inclined to grant bail to the petitioners.

<https://hcservices.ecourts.gov.in/hcservices/>

6. 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) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No,I, Kumbakonam, and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter 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 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]**.

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

sd/-

11/01/2019

/ 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 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM

3 THE SUB INSPECTOR OF POLICE,
KUMBAKONAM PEW POLICE STATION,
THANJAVUR DISTRICT.

4 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY

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

+1. CC to MR.M.MAHENDRA PRABHU Advocate SR.No.685

ORDER

IN

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Date :11/01/2019