

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

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.7530 of 2019

1.MANIKANDAN
2 PARABHAKARAN

.... PETITIONERS / ACCUSED NOs.1 & 2

Vs

THE STATE OF TAMIL NADU,
REP.BY THROUGH THE
INSPECTOR OF POLICE,
PEW, KARUR POLICE STATION,
KARUR DISTRICT.
(IN CRIME NO.851/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.M.P.SENTHIL Advocate

For Respondent : MR.R.ANANDARAJ,
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused, were arrested and remanded to judicial custody on 18.05.2019 for the offences punishable under Sections 4 (1) (aaa), 4 (1-A), 24 of Tamil Nadu Prohibition Act and 328 of IPC in Crime No.851 of 2019, on the file of the respondent police, seek bail.

2.The case of the prosecution is that based on the secrete information, the respondent police raided the Moolakattanur TASMAL shop. At that time the petitioners were illegally selling liquors bottles in the west side of the TASMAL shop. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case. He further submitted that the petitioners are in judicial custody from 18.05.2019. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the investigation of the case is completed.

5.The submissions made by the learned counsel appearing on either side are considered.

6. It is alleged that at the time of occurrence, the petitioners possessed with liquor bottles salable by TASMAC. Now all the properties were recovered from the petitioners. The petitioners are in judicial custody from 18.05.2019 and the investigation has been completed. Hence, considering the above facts and circumstances of the case and also on considering the period of incarceration, this Court is inclined to enlarge the petitioners on bail subject to some stringent conditions. Accordingly, **the petitioners are ordered to be released on bail** subject to the following conditions:

(i) each of the the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, No.I, karur;

(ii) the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

(iii) the petitioners shall stay at Dharmapuri and report before the Inspector of Police, Town Police Station, Dharmapuri, daily at 10.00 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

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

(v) the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner abscond, the respondent police shall register a case as provided under Section 229-A IPC.

(vi) 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/-

29/05/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.1,
KARUR

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3 THE INSPECTOR OF POLICE,
PEW, KARUR POLICE STATION,
KARUR DISTRICT.

4 THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
DHARMAPURI

5 THE OFFICER INCHARGE
SUB-JAIL, KARUR.

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

+1 CC to MR.M.P.SENTHIL, Advocate (SR-8940[I] dated 30/05/2019)

ORDER
IN

CRL OP(MD) No.7530 of 2019
Date :29/05/2019

dss/ksa

AE/MMS/SAR-IV (30.05.2019) 3P 8C

सत्यमेव जयते

WEB COPY