



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9624 of 2019

1. N.Asokan
2. Selvarani

... Petitioners/Accused No.1 & 3

Vs

State Rep.by
The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District,
(Crime No.134 of 2019)

... Respondent/Complainant

For Petitioners : M/s.J.Madhu, Advocate.
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 134 /2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused-1 and 3 seeking bail for the alleged offence under Section 4(1-A) of Tamil Nadu Prohibition Act.

2. Heard both sides

3. The learned counsel for the petitioners would submit thar a false case has been foisted against the petitioners. He further submitted that the petitioners were arrested and remanded to judicial custody on 22.06.2019 and from that date onwards they are in custody. Therefore he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners herein are A1 and A3. He would further submit that the petitioners were found in possession of 10 bottles of illicit liquor each containing 180 ml. He would further submit that the second petitioner is still absconding. Hence he strongly opposed



to grant bail to the petitioners. However he fairly conceded that the no previous case is pending against the petitioners.

5. Taking into consideration the aforesaid submissions and also the fact that the petitioner is in custody for the past 15 days and also the fact that no previous case is pending against the petitioners, this Court is inclined to grant bail to the petitioners by imposing conditions:

[a] the petitioners are ordered to be released on bail on his executing 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 Judicial Magistrate, Nagercoil.

[b] the petitioners shall report before the Respondent Police, daily at 10.30A.M for a period of One Month and thereafter, as and when required for the interrogation.

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

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] 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].

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

sd/-

08/07/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, NAGERCOIL.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE OFFICER INCHARGE, SUB JAIL, NAGERCOIL.
4. THE OFFICER INCHARGE, SUB JAIL FOR WOMEN,
THACKALLAI. (PADMANABHAPURAM)
5. THE INSPECTOR OF POLICE,
KANYAKUMARI POLICE STATION, KANYAKUMARI DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.J.MADHU Advocate SR.No.11245

ORDER IN

CRL OP(MD) No.9624 of 2019

Date :08/07/2019