



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9957 of 2019

1.Arivazhagan
2.Selvaraj
3.Annamalai

... Petitioners/Accused
No.1,2 and 7

Vs

State rep by
The Inspector of Police,
PEW Thuraiyur Police Station,
Trichy District.
Crime No.402/2019.

... Respondent/Complainant

For Petitioners : M/s.A.Joel Paul Antony,
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.402/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused-1 ,2 and 7 seeking bail for the alleged offence under Sections4(1)(aaa) r/w.4(1-A) Transport TNP Act and Sections 420,465,468,471 of IPC and Sections 5,7 of TNRS Rule 2000.

2. Heard both sides

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in the above. He further submitted that the petitioners were arrested and remanded to judicial custody on 16.06.2019 and from that date onwards they are in custody. He further submitted that



the petitioners are only workers under the other petitioners only and therefore he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there are totally eight accused in this case and the petitioner herein are arrayed as A1,2 and 7. He further submitted that the petitioners were found in possession of duplicate liquor bottles each containing 180ml. He would also submit that A3 and A5 were still absconding and A4 and A8 were already detained under Act-14. Hence he strongly opposed to grant bail to the petitioners. However he fairly conceded that there is no previous case pending against the petitioners and the entire property has been recovered.

5. Taking into consideration the aforesaid submissions and also the fact that the petitioner is in custody for the past 30 days and also the fact that no previous case is pending against the petitioners and also the fact that the entire property has been recovered, 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, Manapparai, Trichy District.

[b] the petitioners shall report before the Respondent Police, daily at 10.30 A.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/-

16/07/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
MANAPPARAI, TRICHY DISTRICT.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3. THE INSPECTOR OF POLICE,
PEW THURAIYUR POLICE STATION,
TRICHY DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

+1. CC to Mr.A.JOEL PAUL ANTONY Advocate SR.No.11755

ORDER

IN

CRL OP (MD) No.9957 of 2019

Date :16/07/2019

aav

TK/VR/SAR.3/16.07.2019/3P/7C