



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

Date : 29/01/2020

PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.1667 of 2020

VENKATESH

... PETITIONERS/SOLE ACCUSED

VS

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
KUMBakonam EAST POLICE STATION,
THANJAVUR DISTRICT,
CRIME NO.18 OF 2020.

... RESPONDENT/DEFACTO COMPLAINANT

For Petitioner : M/s.T.Lajapathi Roy,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For bail in Crime No.18 of 2020 on the file of the Respondent Police

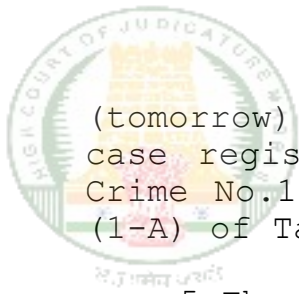
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is in custody since 24.01.2020 for the offences under Sections 4(1)(aa) and 4(1-A) of Tamil Nadu prohibition Act in Crime No. 18 of 2020 on the file of the respondent police. He seeks bail.

3. The learned counsel for the petitioner points out that the petitioner was granted anticipatory bail in Crime No.24 of 2020 registered on the file of PEW, Kumbakonam. He was granted bail by the Sessions Court in Crime No.28 of 2020 registered on the file of Kumbakonam West Police Station.

4. I had granted anticipatory bail to the petitioner because the learned counsel for the petitioner informed the Court that the marriage was scheduled to be held on 30.01.2020



(tomorrow). However, the petitioner has been implicated in one more case registered on the file of Kumbakonam East Police Station in Crime No.18 of 2020 for the offences under Sections 4(1)(aa) and 4(1-A) of Tamil Nadu prohibition Act.

5.The learned counsel for the petitioner would contend that successive cases have been registered against the petitioner only to frustrate the relief granted by this Court in the first instance.

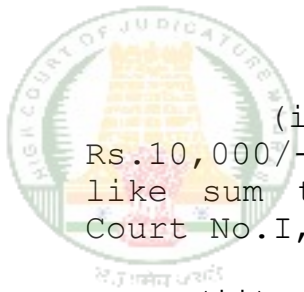
6.The learned Government Advocate pointed out that the petitioner is having very bad antecedents and he opposed the grant of bail to him.

7.There is considerable force in the objection raised by the learned Government Advocate. But then, I cannot lose sight of the fact that the petitioner is to get married on 30.01.2020. I hope that the marriage may reform the petitioner. I was not sure as to whether the marriage is to be performed or not. I requested the learned Government Advocate to contact the bride Sivaranjani as to whether the marriage is to be held tomorrow(30.01.2020). The information furnished by the learned counsel for the petitioner appears to be correct.

8.The petitioner is now confined in Sub Jail, Kumbakonam. Obviously, prison is not an appropriate place to celebrate marriage. Therefore, taking note of the humanitarian aspect, I grant bail to the petitioner. Since the petitioner may not have time to comply with the regular formalities by executing sureties, as a special case I direct the Superintendent, Sub Jail, Kumbakonam to release the petitioner herein on production of a certified copy of this order. I am conscious that under trials are not released after 6 p.m. But this being a special case, the jail authority is directed to release the petitioner on production of a certified copy of this order. Likewise, the petitioner may not have time to furnish sureties. Therefore, the petitioner is permitted to execute sureties on 05.02.2020.

9.The learned Government Advocate is directed to inform the Superintendent, Sub Jail, Kumbakonam about the passing of this order. The learned counsel for the petitioner made certain allegations regarding malafides. Since, I have already granting relief to the petitioner, I refrain from going into the same. The marriage shall take place tomorrow (30.01.2020). If the police try to frustrate the order of this Court by implicating the petitioner in some other case, serious view will be taken.

10. With the above observations, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;



(i) the petitioner shall execute 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 learned Judicial Magistrate Court No.I, Kumbakonam.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) on breach of any of the aforesaid conditions, the learned 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 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].

sd/-
29/01/2020

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/ /2020
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 AT KUMBAKONAM.
- 3 THE SUB INSPECTOR OF POLICE
KUMBAKONAM EAST POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE SUPERINTENDENT,
SUB JAIL, KUMBAKONAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-1815[I] dated 29/01/2020)

ORDER
IN
CRL OP(MD) No.1667 of 2020
Date :29/01/2020

PNN
JM/VR/SAR 2/29.01.2020/3P/7C