



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

Date : 24/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8241 of 2021

1. R.Raja @ Boxer Raja
2. S.Karthik @ Kattai Karthi ... Petitioners/Accused Nos.1 & 2

Vs

The Inspector of Police,
Thanjavur West Police Station,
Thanjavur District.
Crime No. 721 of 2021. ... Respondent/Complainant

For Petitioners : Mr.S.Gokulraj,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.721 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested on 04.06.2021 for the offences punishable under Sections 4(1)(aa) and 4(1-A) of TNP Act r/w. Sections 269, 270 of IPC in Crime No.721 of 2021 on the file of the respondent police, seek bail.

The case of the prosecution is that on 04.06.2021 when the respondent police were engaged in prevention of offences relating to illicit arrack near Cholan statue they found a car bearing Reg. No. TN 38 CF 8172 coming in the opposite direction and stopped the car and apprehended the occupants in the car who are the accused in this case and found the accused in illegal possession of 288 nos of VSOP brandy bottle each containing 180 ml, 160 Nos of Haynards punch each containing 90 ml and another 10 nos of VSOP brandy bottle each containing 180 ml and they informed that they have bought the bottles from Karnataka for selling it at higher price without any valid license. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 04.06.2021, hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent police opposed this petition on the ground that the investigation is not yet completed. He would further submit that one previous case of similar nature is pending against the first petitioner and that case was registered in the year 2014 and no previous case is pending against the second petitioner.

5. Taking into consideration all these facts and also considering the period of incarceration and also the fact that the material witnesses are only official witnesses, this Court is inclined to grant bail to the petitioners.

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, Thanjavur and on further condition that

i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

(ii)the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Coimbatore Advocate Clerk Welfare Association, District Court Branch, Coimbatore (SB Account No.170801000018467, IFSC Code: IOBA0001708), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties .

iii)the petitioners shall report before the respondent police daily at 10.30 am., until further orders.

iv)the petitioners shall not tamper with evidence or witness.

v)the petitioners shall not abscond during trial.

vi)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].



vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
24/06/2021

/ TRUE COPY /

WEB COPY

/ /2021

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.I,
THANJAVUR, THANJAVUR DISTRICT.
2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE,
SUB-JAIL, PAPANASAM.
4. THE INSPECTOR OF POLICE,
THANJAVUR WEST POLICE STATION,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
COIMBATORE ADVOCATE CLERK WELFARE ASSOCIATION,
DISTRICT COURT BRANCH, COIMBATORE.

+1. CC to MR.S.GOKULRAJ, Advocate SR.No.4142

ORDER
IN
CRL OP(MD) No.8241 of 2021
Date : 24/06/2021

AAV
AE/MNR/SAR-III/24.06.2021/3P/8C