



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

Tuesday, the Second day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.11184 of 2016

1 AMUTHAVALLI ... PARTY IN PERSON/WIFE OF ACCUSED
2 MAHALINGAM ... PETITIONERS / SOLE ACCUSED
Vs

The State by
THE SUB INSPECTOR OF POLICE
SAMINATHAPURAM POLICE STATION,
DINDIGUL DISTRICT,
CR NO. 133 OF 2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S K.NEETHI MOHAN Advocate

For Respondent : Mr.P.Kannithevan Govt. Advocate (Crl. Side)

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

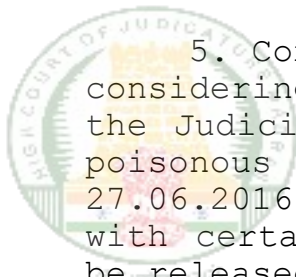
ORDER : The Court Made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 27.06.2016 for the alleged offence punishable under Sections 4(1)(aa) & 4(1-A) of TNP Act in Crime No.133 of 2016, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that while the de-facto complainant was on patrol at Vanniyavalasu Junction, Saminathapuram, he found that the petitioner was in possession of 48 bottles of Diamond Rum, 48 bottles MC, 48 bottles Honeyday, 48 bottles of Topper, 17 bottles of Law Martin, 36 bottles of King Fisher Beer and 24 bottles of 120000 Beer in a white gunny bag. On seeing the de-facto complainant, the petitioner tried to escape from the place of occurrence and he was chased and arrested. On complaint, case has been registered against the petitioners.

3. The case of the petitioner is that he is innocent and he has not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 27.06.2016.

4. The learned Government Advocate (Crl.side) submitted that the petitioner was in possession of 48 bottles of Diamond Rum, 48 bottles MC, 48 bottles Honeyday, 48 bottles of Topper, 17 bottles of Law Martin, 36 bottles of King Fisher Beer and 24 bottles of 120000 Bear and since it emanated bad Odour, a case under Section 4(1)(aa) & 4(1-A) of TNP Act has been registered. Chemical Analysis Report has been filed.



5. Considering the facts and circumstances of the case and also considering the fact that the Chemical Analysis Report filed before the Judicial Magistrate reveals that the seized liquor contains no poisonous substance and the petitioner is in judicial custody from 27.06.2016, this Court is 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:

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- (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, Palani.
- (ii) the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders.
- (iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (v) the petitioner shall not abscond either during investigation or trial.
- (vi) 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 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]**.

6. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-

02/08/2016

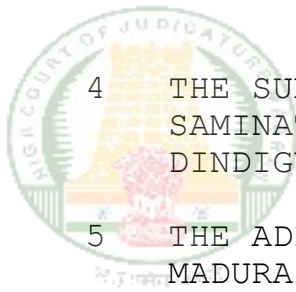
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE, PALANI

2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT



4 THE SUB INSPECTOR OF POLICE
SAMINATHAPURAM POLICE STATION,
DINDIGUL DISTRICT

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

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+1. CC to M/S KEVINHARAN, Advocate SR.No.41335

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ORDER

IN

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Date :02/08/2016