



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

Wednesday, the Third day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11298 of 2016

MALARROJA

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
THANDIKUDI POLICE STATION,
DINDIGUL DISTRICT.
[CRIME NO. 115/2016]

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S K.MANIKANDAN, ADVOCATE

FOR RESPONDENT : Mr.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL. SIDE)

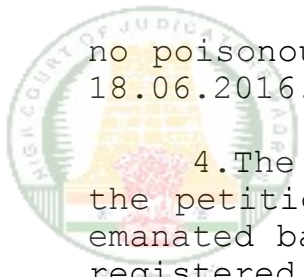
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as sole accused, who was arrested and remanded to judicial custody on 18.06.2016 for the alleged offence punishable under Section 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.115 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 18.08.2016, at about 09.00 p.m., while the police party was on patrolling near the house of the accused at Kaviyakadu, they found the accused in possession of 12 monitor brandy bottles, without any valid license and when they opened and smelt the same, it emanated bad odour and suspecting that it may be a illicit liquor, they seized the same and preserved for chemical analysis. On returning to the police station with the accused and the seized materials, a case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The Chemical Analysis Report filed before the learned Judicial Magistrate reveals that the seized liquor contains



no poisonous substance. The petitioner is in judicial custody from 18.06.2016.

4.The learned Government Advocate (Crl. side) submitted that the petitioner was in possession of 12 brandy bottles and since it emanated bad odour, a case under Section 4(1-A) of TNP Act has been registered. Chemical Analysis Report has been filed.

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5.Considering the facts and circumstances of the case and also considering the fact that the Chemical Analysis Report filed before the learned Judicial Magistrate reveals that the seized liquor contains no poisonous substance and the petitioner is in judicial custody from 18.06.2016, 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:

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

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/-
03/08/2016

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



TO

1. THE JUDICIAL MAGISTRATE, KODAIKANAL.

2. THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3. THE INSPECTOR OF POLICE,
THANDIKUDI POLICE STATION,
DINDIGUL DISTRICT.

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

5. THE OFFICER-IN-CHARGE,
WOMEN PRISON,
NILAKKOTTAI.

+1. CC to M/S K.MANIKANDAN Advocate SR.No. 41666

ORDER

IN

CRL OP (MD) No.11298 of 2016

Date :03/08/2016

SMN

TE/GSV-PM/SAR-III : 03/08/2016 : 3P/7C