



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

Wednesday, the Twentieth day of July Two Thousand Sixteen
PRESENT

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

CRL OP (MD) No.12098 of 2016

WEB COPY

AYYANKALAI

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
CHATRAPATTI POLICE STATION,
DINDIGUL DISTRICT,
CR NO. 145 OF 2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S N.SATHISH BABU 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 is arrayed as sole accused, who was arrested and remanded to judicial custody on 22.06.2016 for the alleged offence punishable under Section 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.145 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 22.06.2016, at about 10.30 a.m., while the police party was on patrolling at Veeralapatti East Street, at the Tea shop of the accused, he was found in illegal possession of 9 bottles of Top Star brandy without any valid permit for retail sales. On complaint, case has been registered for the above said offence.

3.The case of the petitioner is that he is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 22.06.2016.

4.The learned Government Advocate (Crl. side) submitted that the petitioner was found in possession of 9 bottles of Top Star brandy bottles without any valid permit for retail sales and he is having one previous case. Investigation is pending. If the petitioner is released on bail, he will tamper the evidence and hamper the investigation.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 22.06.2016, 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, Oddanchatram.



(ii) the petitioner shall report before the respondent police daily twice i.e., at 10.00 a.m. and 05.00 p.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/-

20/07/2016

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

TO

- 1 THE JUDICIAL MAGISTRATE,
ODDANCHATRAM.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL.
- 4 THE INSPECTOR OF POLICE
CHATRAPATTI POLICE STATION,
DINDIGUL DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S N.SATHISH BABU Advocate SR.No.37856

ORDER

IN

CRL OP(MD) No.12098 of 2016

Date :20/07/2016

PA/SK-SKN/SAR II20.07.2016/2P/7C