



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.12204 of 2016

DURAIPANDI

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP. BY
THE SUB INSPECTOR OF POLICE
PROHIBITION ENFORCEMENT WING POLICE STATION,
PALANI, DINDIGUL DISTRICT,
CR. NO. 458 OF 2016

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S N.SATHISH BABU Advocate

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

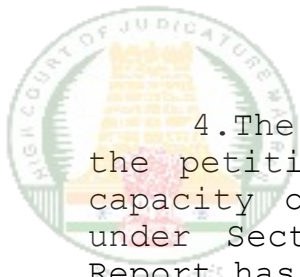
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as sole accused, who was arrested and remanded to judicial custody on 14.06.2016 for the alleged offence punishable under Section 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.458 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 13.06.2016, at about 05.00 p.m., while the police party was on patrolling at Athoor, on information, when they went near the house of the accused, they found the accused in possession of 12 brandy bottles having the capacity of 180 ml each, 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 14.06.2016.



4.The learned Government Advocate (Crl. side) submitted that the petitioner was in possession of 12 brandy bottles having the capacity of 180 ml each and since it emanated bad odour, a case under Section 4(1-A) of TNP Act has been registered. Chemical 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 14.06.2016, 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 No.2, Dindigul.
- (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/-
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 NO.II, DINDIGUL.

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

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

4 THE SUB INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING POLICE STATION,
PALANI, DINDIGUL DISTRICT.

5 THE OFFICER INCHARGE, DISTRICT PRISON, DINDIGUL.

+1. CC to M/S N.SATHISH BABU Advocate SR.No.37857

SMN

JM/NGM-MP/SAR-III/20.07.2016/3P-7C

ORDER

IN

CRL OP (MD) No.12204 of 2016

Date :20/07/2016