



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

Thursday, the Twenty First day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12417 of 2016

MURUGAN

... PETITIONER/SOLE ACCUSED

Vs

THE STATE

REP BY THE SUB INSPECTOR OF POLICE
PROHIBITION ENFORCEMENT WING POLICE STATION,
PALANI, DINDIGUL DISTRICT.
(CRIME NO.454 OF 2016)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S N.SATHISH BABU Advocate

For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Crl. Side)

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

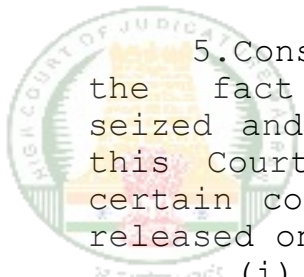
ORDER : The Court Made the following order :-

The petitioner who is arrayed as sole accused was arrested and remanded to judicial custody on 14.06.2016 for the alleged offence punishable under Section 4(1-A) of TNP Act in Crime No.454 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 5.00 pm, while the police party was on patrolling at Athoor near the house of the accused, he was found in possession of 15 bottles of brandy without any valid permit. On complaint, a case has been registered for the above said offences.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 14.06.2016 and prays for enlarging the petitioner on bail.

4.The learned Government Advocate(Crl.side) submitted that on chemical analysis it was found that there is no poisonous on the brandy bottles and the investigation of the case is pending.



5. Considering the facts and circumstances of the case and also the fact that there is no poisonous substance in the materials seized 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.II, Dindigul.
- (ii) the petitioner shall appear before the respondent Police daily at 10.00 am and 5.30 pm 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/-

21/07/2016

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, DINDIGUL
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT
3. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
4. THE OFFICER-IN-CHARGE, DISTRICT PRISON, DINDIGUL
5. THE SUB INSPECTOR OF POLICE
PROHIBITION ENFORCEMENT WING POLICE STATION,
PALANI, DINDIGUL DISTRICT.

+1. CC to M/S N.SATHISH BABU Advocate SR.No.38369
RL/7C/2P/SK/SKN/SARI/21/7/2016

ORDER

IN

CRL OP(MD) No.12417 of 2016

Date : 21/07/2016