



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

Tuesday, the Ninth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12437 of 2016

VAIKAL DURAI

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
ADIVARAM POLICE STATION,
PALANI, DINDIGUL DISTRICT.
CR.NO.254 OF 2016

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S P.MAHENDRAN, ADVOCATE
FOR RESPONDENT : Mr.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL. SIDE)

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

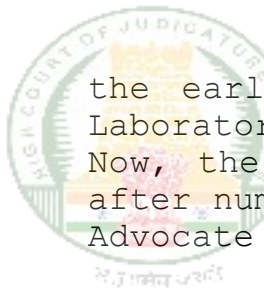
ORDER : The Court Made the following order :-

The petitioner who is arrayed as accused was arrested and remanded to judicial custody on 17.06.2016 for the alleged offences punishable under Section 4(1A) of TNP Act in Crime No.254 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that on 17.06.2016 at 15.30 Hours while the police party was on patrolling at Palani Adivaram, the petitioner was found in possession of 10 bottles of Brandy, having the capacity of 180 ml each, without any valid licence and the same has been seized and preserved for chemical analysis. On complaint, a case has been registered for the above said offences.

3. The case of the petitioner is 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 the earlier petition was dismissed by this Court on 05.07.2016 in Crl.O.P(MD).No.11008 of 2016 and the petitioner is in judicial custody from 17.06.2016 and prays for enlarging the petitioner on bail.

4. The learned Government Advocate(Crl.side) submitted that the chemical analysis report is awaited.



5. From the records it is seen that this Court dismissed the earlier petition on the ground the report from the Forensic Laboratory is yet to be received and investigation is pending. Now, the petitioner has come out with the present petition. Even after number of adjournments from 22.07.2016, the learned Government Advocate (Crl. Side) has not produced the chemical analysis report.

6. Considering the nature of allegations and that the petitioner is in judicial custody from 17.06.2016, 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, Palani, Dindigul District.
- (ii) the petitioner shall appear before the respondent Police daily at 10.00 am 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]**.

7. 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/-
09/08/2016

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
PALANI, DINDIGUL DISTRICT.
2. THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
ADIVARAM POLICE STATION,
PALANI, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICERS INCHARGE,
SUB JAIL,
PALANI, DINDIGUL DISTRICT.

+1. CC to M/S P.MAHENDRAN Advocate SR.No. 43028

ORDER

IN

CRL OP(MD) No.12437 of 2016

Date :09/08/2016

TRP

TE/GSV-PM/SAR-I : 09/08/2016 : 3P/7C