



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

Wednesday, the Tenth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12723 of 2016

S.KAVITHA

..PETITIONER/SOLE ACCUSED

Vs.

STATE REP.BY

THE SUB INSPECTOR OF POLICE

VEDASANTHUR POLICE STATION,

DINDIGUL DISTRICT.

(CRIME NO. 239 OF 2016)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S B.VINOTH BALAN 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 05.06.2016 for the alleged offence punishable under Section 4(1-A) of TNP Act, in Crime No.239 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 05.06.2016, at about 05.00 p.m., while the police party was on patrolling at Tirugampatti, on information, when they went back side of the Angala Easwari Chamber, they found that the accused was in possession of brandy bottle, 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, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 05.06.2016.

4.The learned Government Advocate (Crl. side) submitted that the investigation is pending.

5.Earlier bail petition filed by the petitioner in Crl.O.P(MD) No.10580 of 2016 was dismissed on 06.07.2016 and when this petition came up for hearing from 25.07.2016, the learned Government Advocate (Criminal Side) seeks time for getting chemical analysis report. Till today, no report is filed.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 05.06.2016, 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, Vedasathur.
- (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]**.

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/-

10/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, VADASANTHUR, DINDIGUL DISTRICT.
- 2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
- 3 THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE SUB INSPECTOR OF POLICE, VEDASANTHUR POLICE STATION,
DINDIGUL DISTRICT.
- 5 THE OFFICER-IN-CHARGE, WOMENS SUB JAIL, NILAKOTTAI,
DINDIGUL DISTRICT.

+1. CC to M/S B.VINOTH BALAN Advocate SR.No.43275

ORDER IN

CRL OP(MD) No.12723 of 2016

Date :10/08/2016