



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

Wednesday, the Twenty Fourth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13715 of 2016

NARAYANASAMY

..PETITIONER/SOLE ACCUSED

Vs.

STATE REP.BY

THE SUB INSPECTOR OF POLICE

KAYATHAR POLICE STATION,

THOOTHUKUDI DISTRICT.

CR.NO.293/2016

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.ARAVINTHAN 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 sole accused was arrested and remanded to judicial custody on 24.07.2016 for the alleged offences punishable under Sections 4(1)(A) and 4(1)(i) of Tamil Nadu Prohibition Act, 1937 in Crime No.293 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 15 bottles of poisonous liquor and selling the same for a sum of Rs.2,500/- and empty 25 bottles were also recovered by the police from the petitioner. On complaint, a case has been registered for the above said offences.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he is only working as a salesman in the TASMAR Bar and 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 24.07.2016 and prays for enlarging the petitioner on bail

4.The learned Government Advocate (Crl.side) produced a chemical analysis report and stated that there is no poisonous substance in the contra band seized and the investigation of the case is pending.

5.Considering the fact that the petitioner is in judicial custody from 24.07.2016 and there is no poisonous substance found in the chemical analysis report, 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, Kovilpatti, Thoothukudi 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]**.

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/-

24/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI, THOOTHUKUDI DISTRICT.
- 2 -do-thro'THE CHIEF JUDICIAL MAGISTRATE,THOOTHUKUDI.
- 3 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE SUB INSPECTOR OF POLICE, KAYATHAR POLICE STATION, THOOTHUKUDI DISTRICT.
- 5 THE OFFICER-IN-CHARGE, SUB JAIL, KOVILPATTI, THOOTHUKUDI DISTRICT.

+1. CC to M/S.G.ARAVINTHAN Advocate SR.No.47061

ORDER IN

CRL OP(MD) No.13715 of 2016

Date :24/08/2016