



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

Monday, the Eleventh day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.11197 of 2017

WEB COPY

SACHITHANANTHAN

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
PATTUKOTTAI PEW POLICE STATION,
PATTUKOTTAI, THANJAVUR DISTRICT.
CRIME NO.354/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.B.JAMEEL ARASU Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

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 03.08.2017 for the offences punishable under Sections 4(1)(aaa), 4(1)(i) and 4(1-A) of TNP Act in Crime No.354 of 2017 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is alleged to have found in possession of 110 Liters of ID Arrack illegally.

3. The learned counsel appearing for the petitioner states that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his names has been falsely implicated in this case. He would further submit that the petitioner is prepared to abide any condition that may be imposed on him for his release on bail.

4. The Additional Public Prosecutor appearing for the respondent would submit on instructions that the petitioner herein is the sole accused in this case. He would further submit that the petitioner herein is said to have found in possession of 110 Liters of ID arrack illegally and he is having previous case in similar nature of offence in Crime No.224 of 2017 for the offence punishable under Sections 4(i)(a) of TNP Act and he was convicted by imposing fine of Rs.100/- and he is having another previous case in Crime No.128 of 2017 on the file of Adhiramapattinam Police Station. He further contended that the sample was sent for chemical analysis and the report is awaited and no one has sustained injury because of consuming a liquor, which is said to have been found in possession of the petitioner herein. He further contended that formal arrest was made on 09.08.2017 for the occurrence dated 03.08.2017, by

Adhiramapattinam Police Station and the investigation is still pending.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner was convicted for the similar nature of offence in Crime No.224 of 2017 under Section 4(i) (a) of TNP Act, imposing fine of Rs.100/- and that the petitioner is in judicial custody from 03.08.2017, this Court is inclined to grant bail to the petitioner. 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, Pattukottai, Thanjavur District.

(ii) Since the petitioner is having previous case in similar nature of offence, he shall stay at Trichy and report before the learned Judicial Magistrate No.I, Trichy, daily at 10.30 am and 5.30 pm until further orders.

(iii) the petitioner shall not tamper with the 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 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 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]**.

sd/-

11/09/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE, PATTUKOTTAI, THANJAVUR DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR DISTRICT
- 3 THE JUDICIAL MAGISTRATE NO.I, TRICHY
- 4 THE CHIEF JUDICIAL MAGISTRATE, TRICHY
- 5 THE INSPECTOR OF POLICE, PATTUKOTTAI PEW POLICE STATION,
PATTUKOTTAI, THANJAVUR DISTRICT.
- 6 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY
- 7 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.B.JAMEEL ARASU Advocate SR.No.30403

ORDER

IN

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Date : 11/09/2017