



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

Thursday, the Fourteenth day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.12161 of 2017

SURESH KUMAR

... PETITIONER / ACCUSED NO.4

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
PROHIBITION ENFORCEMENT WING, DINDIGUL,
CRIME NO.185 OF 2007

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.BANUPRASATH Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

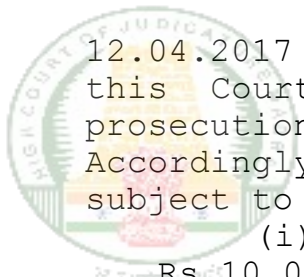
ORDER : The Court Made the following order :-

The petitioner / A4 who was arrested and remanded to judicial custody on 12.04.2017 for the offences punishable under Sections 4 (1) (aaa), r/w 7(1) of Tamil Nadu Prohibition Act r/w 468 and 471 of IPC in Crime No.185 of 2007, on the file of the respondent police, in C.C.No.262 of 2009, on the file of the learned Judicial Magistrate No.1, Dindigul, seeks bail.

2.The learned counsel for the petitioner would submit that due to the ill-health, the petitioner could not appear on 13.10.2016 before the concerned Court and therefore, NBW was issued and subsequently, he was arrested and is in custody for more than 150 days and while he is in custody, detention order was passed against the petitioner and he was detained under the Goondas Act on 28.04.2017 and the said detention proceedings has been set aside by this Court in HCP(MD)No.698 of 2017 on 06.09.2017.

3.The learned Additional Public Prosecutor would submit on instructions that totally there are 6 accused in this case, in C.C.No.262 of 2009 on the file of the learned Judicial Magistrate No.I, Dindigul. The petitioner was absent on 13.10.2016 before the concerned Court and NBW was issued against the petitioner and executed on 12.04.2017. He further submitted that petitioner is having 25 previous cases and the remaining accused are appearing before the concerned Court and P.Ws.1 to P.W.10 were examined in this case and summons have been issued for examination of other witnesses and pending for further evidence by the prosecution.

4.Considering the facts and circumstances of the case and considering the fact that the petitioner is in prison from



12.04.2017 onwards and the detention proceedings was set aside by this Court and case is pending for further evidence by the prosecution, 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 No.I, Dindigul

(ii) the petitioner is directed to appear before learned Judicial Magistrate No.I, Dindigul daily at 10.30 a.m. until further orders, failing which, the bail granted by this Court stands cancel without any prior notice or reference of this Court, since the case was pending from 2009 onwards.

(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].

(vi) the trial Court is directed to dispose the case within a period of 2 months from the date of receipt of a copy of this order and report the same to the Registry of this Court.

sd/-

14/09/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, DINDIGUL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 4 THE SUB INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING, DINDIGUL.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.BANUPRASATH Advocate SR.No.30737

ORDER

IN

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Date :14/09/2017