



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

Tuesday, the Seventh day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.15081 and 15082 of 2017

WEB COPY

VAIRAVAN

... PETITIONER/SOLE ACCUSED
IN BOTH THE PETITIONS

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
P.E.WING, ALANGULAM POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO.978 OF 2017)

... RESPONDENT/COMPLAINANT
IN CRL OP(MD) No.15081/2017

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
SIVAGIRI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.257 OF 2017)

... RESPONDENT/COMPLAINANT
IN CRL OP(MD) No.15082/2017

For Petitioner : M/S.M.VEILKANI RAJU, Advocate
for both the petitions

For Respondents : MR.K.ANBARASAN, Government Advocate(Crl.Side)
for both the petitions

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

ORDER : The Court Made the following order :-

The petitioner/Sole Accused in both petitions was arrested and remanded to judicial custody on 23.09.2017 by the respondent police for the offence punishable under Section 4 (1-A) of TNP Act, in Crime Nos.978 and 257 of 2017, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioner continued to smuggle spurious spirit and illegally transported them. However, for the reason best known to the law enforcing agency, the petitioner was not arrested on 22.09.2017, however, he was arrested on 23.09.2017 and he was remanded to judicial custody.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the respondent police has falsely implicated the case against him. He fairly conceded that since the petitioner is involved in



transportation of illegal spurious spirit, he is willing to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the Cancer Institute, Adayar, Chennai, without prejudice to his defence before the trial Court.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that apart from these two cases, another case is also pending against the petitioner and he requested this Court to impose stringent condition against the petitioner. He further submitted that investigation has almost been completed.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl. Side) that investigation has almost completed, I am 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 deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the Cancer Institute, Adayar, Chennai, without prejudice to his defence before the trial Court and therefore, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner;

(ii) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like-sum to the satisfaction of the learned Judicial Magistrate, Sivagiri;

(iii) the petitioner shall report before the concerned Court, daily at 10.30 a.m., until further orders;

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioner shall not abscond either during investigation or trial;

(vi) the petitioner shall not commit any offence while on bail;

(vii) 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 and the bail granted stands cancelled automatically.

sd/-
07/11/2017

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, SIVAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE,
P.E.WING, ALANGULAM POLICE STATION, TIRUNELVELI DISTRICT

4. THE INSPECTOR OF POLICE, SIVAGIRI POLICE STATION,
TIRUNELVELI DISTRICT.

5 THE OFFICER-IN-CHARGE,
CANCER INSTITUTE, ADAYAR, CHENNAI.

6 THE SUPERINTENDENT ,
CENTRAL PRISON, PALAYAMKOTTAI

7 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CC to M/S.M.VEILKANI RAJU Advocate SR.Nos.33950, 33951

ORDER

IN

CRL OP(MD) No.15081 and 15082 of 2017

Date :07/11/2017

PK/PM-PN/SAR-1/07.11.2017 : 3P/10C