



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

Thursday, the Ninth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.15279 of 2017

AGUSTIN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE,
ASARIPALLAM POLICE STATION, ASARIPALLAM,
KANYAKUMARI DISTRICT.
CRIME NO.172/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.KARTHICK SUBRAMANIAN Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

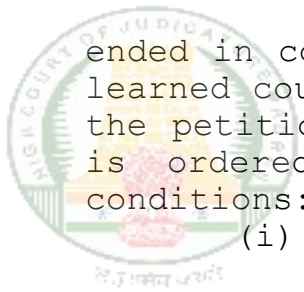
The petitioner/sole accused, who was arrested and remanded to judicial custody on 02.10.2017 for the alleged offences punishable under Section 4(1) (A) of Tamil Nadu Prohibition Act in Crime No.172 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 02.10.2017 i.e. on Gandhi Jeyanthi, the police officials conducted a raid near Channel Karai and the petitioner was found in possession of 10 litres of illicit arrack and the same was recovered from the petitioner. The petitioner purchased brandy from TASMACHOP shop in previous day and sold it illegally on the day of Gandhi Jeyanthi. Thereby, the respondent police lodged a complaint against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal side) appearing for the respondent submitted that there are four previous case against the petitioner and they were ended in conviction. He further submitted that investigation in this case is almost completed.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl. Side) that all the previous case against the petitioner are



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ended in conviction and also considering the submission made by the learned counsel for the petitioner, I am inclined to grant bail to the petitioner 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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Nagercoil;
- (ii) the petitioner shall report before the investigation officer, twice a day i.e., 10.30 a.m, and 5.30. p.m., until further orders;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioner shall not commit any offence while on bail;
- (vi) 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/-

09/11/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 OFFICER IN CHARGE, DISTRICT JAIL, NAGERCOIL.
- 4 THE SUB INSPECTOR OF POLICE,
ASARIPALLAM POLICE STATION,
ASARIPALLAM, KANYAKUMARI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.KARTHICK SUBRAMANIAN Advocate SR.No.34126

ORDER

IN

CRL OP(MD) No.15279 of 2017

Date :09/11/2017