



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

Thursday, the Twenty First day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17635 of 2017

THANGAPPAN

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
PEW POLICE STATION, THUCKALAY,
KANYAKUMARI DISTRICT.

CRIME NO.778 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.Y.JAGADEESH, Advocate

For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

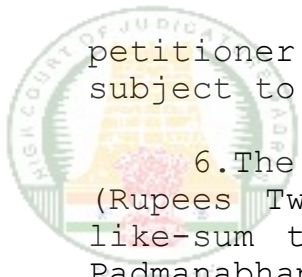
The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 27.11.2017, for the offences punishable under Sections 4(1-A) & 14-A of Tamil Nadu Prohibition Act, in Crime No.778 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 27.11.2017, the respondent police conducting vehicle check up, at that time, they recovered one litre of rectified spirit from the accused no.1 herein, thereby, the respondent police registered a case under Section 4(1-A) & 14-A Tamil Nadu Prohibition Act, arrested the accused no.1 herein and remanded to the judicial custody.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. The petitioner is 79 years old and in order to supply of medical purpose, he was carried rectified spirit. He further submitted that there was no previous case pending against him.

4.The learned Government Advocate (Criminal side) appearing for the State submitted the respondent police recovered one litre of rectified spirit from the accused no.1 herein and no previous case is pending against him.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Criminal side), this Court is inclined to grant bail to the



petitioner. The petitioner is ordered to be released on bail, subject to the following certain conditions.

6. 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, Padmanabhapuram.

(i) the petitioner shall report before the respondent police, daily at 10.30 a.m., until further order.

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

(iii) the petitioner shall not abscond 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/-
21/12/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, PADMANABHAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE OFFICER INCHARGE, SUB JAIL, NAGERCOIL.
4. THE INSPECTOR OF POLICE,
PEW POLICE STATION, THUCKALAY, KANYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.Y.JAGADEESH Advocate SR.No.36697

ORDER IN
CRL OP(MD) No.17635 of 2017
Date :21/12/2017

MS/SMA/SAR.3/21.12.2017/2P.7C