



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

Thursday, the Eighth day of June Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.6874 of 2017

PALANIYAPPAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
PALLATHUR POLICE STATION,
SIVAGANGAI DISTRICT.
CR.NO.53/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.PETHURAJESH Advocate

For Respondent : MR.K.S.DURAIPANDIAN ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 25.05.2017, for the alleged offence, punishable under Sections 4(1-A), 4(1)(I) of TNP Act, in Crime No.53 of 2017, on the file of the respondent Police, seeks bail.

2.Heard Mr.P.Pethurajesh, learned counsel appearing for the petitioner and Mr.K.S.Duraipandian, learned Additional Public Prosecutor appearing for the State.

3.The case of the prosecution is that on the date of occurrence, the petitioner/accused was in possession of gunny bags containing 11 black pearl brandy bottles without permission and a sum of Rs.3,180/- (Rupees Three Thousand One Hundred and Eighty only).

4.The learned counsel for the petitioner submitted that the petitioner is innocent and no way connected with the said offence. Further the learned counsel for the petitioner/accused submitted that the petitioner's wife is pregnant and he has to look after her. In support of the plea of pregnancy, additional typed set of papers has been filed containing the Medical Report of the petitioner's wife.

5.The learned Additional Public Prosecutor contended that the petitioner was arrested on 25.05.2017, for possession of 11 black pearl brandy bottles in gunny bags without permission and further



submitted that the investigation is pending and chemical analysis report is awaited.

6. Considering the facts and circumstances of the case, 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, Karaikudi, Sivagangai District.
- (ii) the petitioner shall report before the Investigation Officer daily at 10.30 a.m., until further orders.
- (iii) the petitioner shall not tamper with 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 learned 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 learned 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/-

08/06/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, KARAIKUDI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 OFFICER IN CHARGE,
SUB JAIL, THIRUPPATHUR, SIVAGANGAI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
PALLATHUR POLICE STATION,
SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.PETHURAJESH Advocate SR.No.23599

ORDER IN

CRL OP(MD) No.6874 of 2017

Date : 08/06/2017