



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

Friday, the Thirtieth day of June Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.7113 of 2017

KARUPPURAJA

... PETITIONERS / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT,
CRIME NO.434/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.VALMEKANATHAN Advocate

For Respondent : MR.C.RAMESH Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

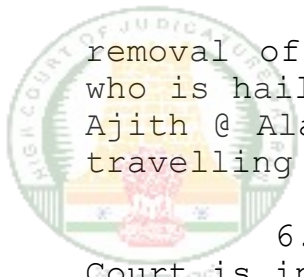
The petitioner/accused, who was arrested and remanded to judicial custody on 01.06.2017, for the alleged offences punishable under Section 4(1)(A) of TNP Act in Crime No.434 of 2017, on the file of the respondent/Police, seeks bail.

2.Heard Mr.S.Valmekanathan, learned counsel appearing for the petitioner/accused and Mr.C.Ramesh, learned Additional Public Prosecutor appearing for the State.

3.The case of the prosecution is that the petitioner was found in possession of 20 number of brandy quarter bottles in a gunny bag, without permission and was apprehended by the respondent/Police on 01.06.2017.

4.The learned counsel for the petitioner submitted that when the petitioner along with his brother, Ajith @ Alagusundaram, were travelling in a two wheeler, on suspicion, the respondent/Police called them to police station and has foisted this case, since the police were under the impression that they were involved in the agitation to remove TASMAR bar in Raginipatti village. He further submitted that on the day previous to their arrest, i.e., on 31.05.2017, the peace committee meeting conducted by Revenue Divisional Officer failed and this petitioner along with his cousin Ajith @ Alagusundaram were detained by the respondent/Police under two different crime numbers.

5.The learned Additional Public Prosecutor submitted that there is no relevancy to the agitation by the public regarding



removal of TASMAL bar on Raginipatti village and this petitioner, who is hailing from different village and the allegation that he and Ajith @ Alagusundaram, who is accused in Crime No.436 of 2017, were travelling together is also incorrect.

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 I, Sivagangai.
- (ii) the petitioner shall report before the respondent/Police 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/-

30/06/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI DISTRICT.

+1. CC to M/S.S.VALMEKANATHAN Advocate SR.No.25495

ORDER IN

CRL OP(MD) No.7113 of 2017

Date :30/06/2017