



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

Thursday, the Twenty Second day of June Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.7115 of 2017

AJITH@ALAGUSUNDARAM

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT
CRIME NO. 436 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.VALMEKANATHAN Advocate

For Respondent : Mr.R.Ramachandran, Additional Public Prosecutor

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

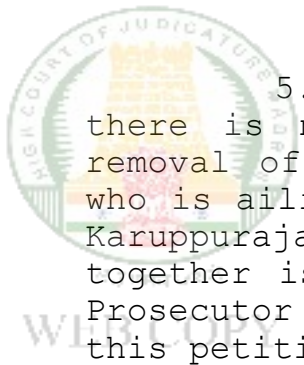
ORDER : The Court Made the following order :-

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.436 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.R.Ramachandran, learned Additional Public Prosecutor appearing for the State.

3.The case of the prosecution is that the petitioner Ajith @ Alagusundaram, aged about 19 years, was found in possession of 15 number of brandy quarter bottles, without permission and was apprehended by the respondent/Police on 01.06.2017.

4.The learned counsel for the petitioner submitted that the petitioner is studying B.A (History), second year, in Raja Duraisingam Government Arts College, Sivagangai. When he along with his brother, Karuppuraja, was travelling in a two wheeler, on suspicion, the respondent/Police called them to police station and has foisted this case against them, 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 the day previous to their arrest, i.e., on 31.05.2017, the peace committee meeting conducted by Revenue Divisional Officer was failed and this petitioner along with his cousin Karuppuraja 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 TASMAR bar on Raginipatti village and this petitioner, who is ailing from different village and the allegation that he and Karuppuraja, who is accused in Crime No.434 of 2017, were travelling together is also incorrect. However, the learned Additional Public Prosecutor submitted that there is no previous bad antecedents about this petitioner.

6.Taking into consideration of the rival submissions made by the learned counsel for the petitioner and the learned Additional Public Prosecutor, 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 petitioners 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/-
22/06/2017

/ 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 -D-THRO THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI

3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI

4 THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT

5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.S.VALMEKANATHAN Advocate SR.No.24796

SM:CM:SAR 1:22.6.2017:3P/7C

ORDER

IN

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Date :22/06/2017