



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

Monday, the Third day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

WEB COPY

CRL OP(MD) Nos.8288 & 8289 of 2017

SAMI @ CHELLASAMY

... PETITIONERS / SOLE ACCUSED
IN BOTH PETITIONS

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
SENGOTTAI POLICE STATION, SENGOTTAI,
TIRUNELVELI DISTRICT
(CRIME NO. 161 OF 2017)

... RESPONDENT / COMPLAINANT
IN CRL OP(MD) No.8288 of 2017

THE STATE REP.BY,
THE INSPECTOR OF POLICE
PULIYARAI POLICE STATION, PULIYARAI,
TIRUNELVELI DISTRICT
(CRIME NO. 115 OF 2017)

... RESPONDENT / COMPLAINANT
IN CRL OP(MD) No.8289 of 2017

For Petitioner : M/S.P.BANUPRASATH Advocate IN BOTH PETITIONS
For Respondents : A.RAMAR Additional Public Prosecutor
IN BOTH PETITIONS

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

ORDER : The Court Made the following order :-

The petitioner / sole accused, who was arrested on 13.06.2017 for the offences punishable under Sections 4(1-A) of TNP Act in Crime Nos.161 and 115 of 2017 respectively on the file of the respondent police, seeks bail.

2.The case of the prosecution in Crl.O.P.(MD)No.8288 of 2017 is that the petitioner was found in possession of 5 liters of arrack when the respondent Police conducted ride. Hence, the respondent Police registered a case in Crime No.161 of 2017. Further, the case of the prosecution in Crl.O.P.(MD)No.8289 of 2017 is that during ride, the petitioner was found in possession of 10 liters of arrack and that a case in Crime No.115 of 2017 was registered.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that these cases are put up cases and the same were registered only for statistical purpose.



4.The learned Additional Public Prosecutor submitted that the petitioner is the sole accused in these cases and there is no previous case pending against the petitioner. He also submitted that investigation is still pending.

5.Considering the facts and circumstances of the case and considering the nature of allegations levelled against the petitioner, 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 Judicial Magistrate, Sengottai;

(ii)the petitioner is directed to appear before the respondent police as and when required;

(iii)the petitioner shall not tamper with the 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 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 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/-

03/07/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SENGOTTAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE,
SENGOTTAI POLICE STATION, SENGOTTAI, TIRUNELVELI DISTRICT.
- 5 THE INSPECTOR OF POLICE
PULIYARAI POLICE STATION, PULIYARAI, TIRUNELVELI DISTRICT
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CC to M/S.P.BANUPRASATH Advocate SR.Nos.25687 & 25688

ORDER IN

CRL OP(MD) Nos.8288 & 8289 of 2017

Date :03/07/2017