



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

Wednesday, the Nineteenth day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.8916 of 2017

VIJAYAKUMAR

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
BHOODHALUR POLICE STATION,
THANJAVUR.

CR.NO.126 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.MOHAMED YUSUF Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

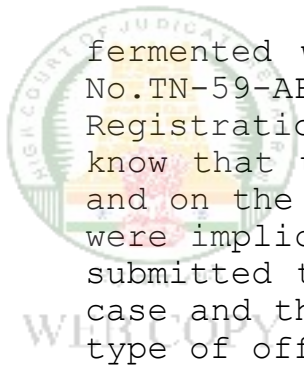
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 20.06.2017, for the offences under Section 4(1)(aaa), 4(1)(A), and 4(1)(g) of the Prohibition Act, in Crime No.126 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the inspector of police attached to the respondent police had received a secret information regarding the distillation of liquor and while he was doing his check up he found that five persons were making a stove by using firewood and after seeing the Police, they fled away from the spot.

3. The learned counsel appearing for the petitioner states that due to vengeance on the petitioner, the Inspector of Police registered a false case against the petitioner and admittedly, the respondent has not arrested the petitioner at the place of occurrence and there was no material available as against the petitioner before the respondent and the respondent arbitrarily fixed the petitioner as accused in order to close the case.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that FIR was registered against 4 named accused in this case and the petitioner herein is arrayed as A1 and he was arrested on 20.06.2017 and he is in judicial custody. He would further submit that the inspector of police, attached to the respondent police, had received a secret information regarding the distillation of liquor and while he was doing his check up, he found that five persons were making a stove by using firewood and after seeing the Police, they fled away from the spot. The Police seized vessels and drums with 300 liters of



fermented wash and also a Tata Ace vehicle, bearing Registration No.TN-59-AF-6166 and also a Hero Splendor Plus bike, bearing Registration No.TN-55-AX-0766. On enquiry alone, the Police came to know that the escaped persons are the petitioner and the co-accused and on the basis of the confession of the A1, the remaining accused were implicated in this case and they are still absconding. He also submitted that Chemical Analysis Report is not yet received in this case and the petitioner is not having any previous case with similar type of offences.

5. Considering the above facts and circumstances of the case and also considering the fact that the properties involved in this case were recovered and no previous case of similar type of offences, as against the petitioner and the period of incarceration of the petitioner in jail, this Court is inclined to grant bail to the petitioner subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Thiruvaiyaru, and on further condition that:

[a] the petitioner shall report before the learned Judicial Magistrate, Thiruvaiyaru, daily at 10.30 a.m., until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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/-

19/07/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUVAIYARU.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE,
BHOODHALUR POLICE STATION, THANJAVUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.MOHAMED YUSUF Advocate SR.No.26830

ORDER IN

CRL OP(MD) No.8916 of 2017

Date :19/07/2017