



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

Thursday, the Twentieth day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.9328 of 2017

K.SELVARAJ ... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
TOWN NORTH POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.485 OF 2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.A.CHANDRAKUMAR Advocate

For Respondent : M/S.A.RAMAR, ADDITIONAL PUBLIC PROSECUTOR

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

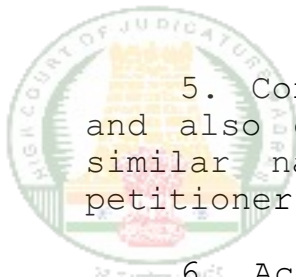
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 10.07.2017, for the offence punishable under Section 4(1) (a) r/w 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.485 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is found in possession of 5 numbers of Brandy bottles, without any valid permission, for retail sales.

3. The learned counsel appearing for the petitioner states that the petitioner is an innocent and he has been falsely implicated in this case and he is not a habitual offender and no bad antecedents and no similar type of cases are pending against the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that the petitioner herein is the sole accused in this case. He is found in possession of 5 numbers of Brandy bottles, without any valid permission, for retail sales, which contain poisonous substances. The Chemical Analysis Report is not yet received and the investigation is pending. The petitioner was arrested on 10.07.2017 and now he is in judicial custody. He also submitted that no one is reported dead or injury because of the consumption of the alleged liquor sold by the petitioner herein. The petitioner is having 2 previous cases in Crime No.1362 of 2010, under Section 10(A) of Cr.P.C., proceedings and in Crime No.1144 of 2008, under Section 385 of IPC.,



5. Considering the above facts and circumstances of the case and also considering the fact that there is no previous case in similar nature, 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 No.II, Dindigul, and on further condition that:

[a] the petitioner shall report before the learned Judicial Magistrate No.II, Dindigul, 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/-
20/07/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, DINDIGUL.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
3. THE OFFICER IN CHARGE, DISTRICT JAIL, DINDIGUL.
4. THE INSPECTOR OF POLICE
TOWN NORTH POLICE STATION, DINDIGUL DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.CHANDRAKUMAR Advocate SR.No.26906
ORDER
IN

CRL OP(MD) No.9328 of 2017
Date :20/07/2017