



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

Thursday, the Sixth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21615 of 2018

CHELLADURAI,

... PETITIONER / ACCUSED No.5

Vs

THE STATE REPRESENTED BY
THE SUB INSPECTOR OF POLICE
PEW POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
(CRIME NO.740/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.SELVAKUMAR Advocate

For Respondent : MR.S.CHANDRASEKAR,
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 21.10.2018 for the offences punishable under Sections 4(1) (aaa), 4(1-A) and 12 of Tamil Nadu Prohibition Act, r/w Section 5, 6, 11 of Tamil Nadu Rectified Spirit Rules, 2000 r/w Under Section 420, 468, 471 and 328 of I.P.C, in Crime No.740 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the alleged occurrence was said to have taken place on 21.10.2018. The petitioner and other accused illegally possessed the poisoned liquor bottles. Hence a case has been registered by the respondent police.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has no way connected in the occurrence. Hence, he prayed for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner and other accused illegally possessed the poisoned liquor bottles. The petitioner's earlier bail petition was dismissed by the learned Principal Sessions Judge, Thoothukudi in Cr.M.P.No.3352 of 2018, dated 16.11.2018.



5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

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 Court, Thiruchendur, Thoothukudi District and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30.a.m for a period of two weeks thereafter, as and when required for interrogation.

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

[c] the petitioner shall not tamper with evidence or witness 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

06/12/2018

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

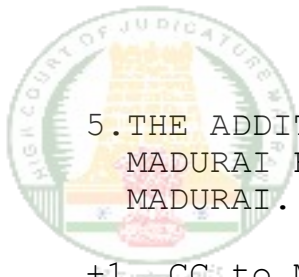
TO

1. THE JUDICIAL MAGISTRATE,
THIRUCHENDUR, THOOTHUKUDI DISTRICT.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3. THE SUB INSPECTOR OF POLICE,
PEW POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.



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

+1. CC to MR.S.SELVAKUMAR Advocate SR.No.22821

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ORDER

IN

CRL OP(MD) No.21615 of 2018

Date :06/12/2018

das

AE/VR MMS/SAR3/07.12.2018/3P/7C