



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

Thursday, the First day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

WEB COPY

CRL OP (MD) No.1574 of 2018

ANBUMANI

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.
IN CRIME NO. 13/2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.PITCHAI MUTHU, Advocate
For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner / sole accused, who was arrested on 12.01.2018 for the offence punishable under Sections 4(1) (a), 4(1)(I) and 4(1-A) of Tamil Nadu Prohibition Act, 1937 in Crime No.13 of 2018, seeks bail.

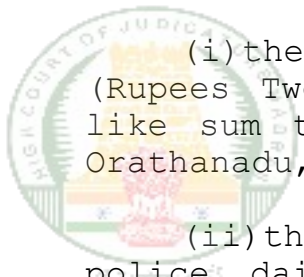
2.The case of the prosecution is that the petitioner was found in possession of 144 liquor bottles illegally.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 12.01.2018 onwards.

4.The learned Government Advocate (Crl.side) submitted that 144 liquor bottles were recovered and investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner was found in possession of 144 bottles of liquor illegally. As of now, the property which was possessed by the petitioner was recovered. So, further custodial interrogation may not be necessary for completing the investigation. Apart from that, the petitioner is in judicial custody from 12.01.2018 onwards.

6.Considering the above facts and circumstances of the case, 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.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Orathanadu, Thanjavur District;

(ii) the petitioner is directed to appear before the respondent police daily at 10.00 a.m. for a period of three weeks and thereafter, 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/-
01/02/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, ORATHANADU,
THANJAVUR DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
 4. THE INSPECTOR OF POLICE,
ORATHANADU POLICE STATION, THANJAVUR DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.PITCHAI MUTHU Advocate SR.No.1738

ORDER
IN
CRL OP(MD) No.1574 of 2018
Date : 01/02/2018

MS/CM-VR/SAR.4/01.02.2018/2P.7C