



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

Friday, the Second day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1660 of 2018

BHARATH

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KUMBAKONAM WEST POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.15/2018

... 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 :-

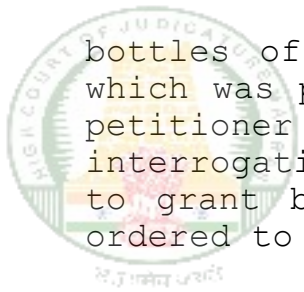
The petitioner / sole accused, who was arrested on 15.01.2018 for the offences punishable under Sections 4(1) (a) and 4(1-A) of Tamil Nadu Prohibition Act, 1937, in Crime No.15 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 15.01.2018, when the respondent police conducted a raid along with their party, the petitioner was found in possession of 2 I.D arrack, 252 liquor bottles each contains 180ml, without any authentication for which, the petitioner/accused was arrested and remanded to judicial custody.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence.

4.The learned Government Advocate (Criminal side) submitted that the petitioner is not having any previous case. He further submitted that the property which was possessed by the petitioner and the same was recovered.

5.Considering the submissions made on either side, it seems that a case has been registered against the petitioner for the offences under Sections 4(1) (a) and 4(1-A) of Tamil Nadu Prohibition Act, 1937 and the petitioner is in judicial custody from 15.01.2018. It is alleged that during the time of occurrence, the petitioner found possession of 5 litres of I.D.arrack and 252



bottles of Indian made Foreign liquors. As of now, the property which was possessed by the petitioner was recovered. Moreover, the petitioner is not having any previous case. Further, the custodial interrogation is not necessary. Therefore, 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 No.II, Kumbakonam, Thanjavur District.

(ii) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. and 5.00 p.m., until further orders;

(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/-
02/02/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, KUMBAKONAM, THANJAVUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE, KUMBAKONAM WEST 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.1837

ORDER IN
CRL OP(MD) No.1660 of 2018
Date : 02/02/2018