



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

Tuesday, the Sixth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1816 of 2018

VIJAYAKANTHAN @ VIJI

... PETITIONER/ACCUSED No.1

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
MEDICAL COLLEGE HOSPITAL POLICE STATION,
THANJAVUR
IN CRIME NO.32/2018

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.THIRUVARUTSELVAN Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

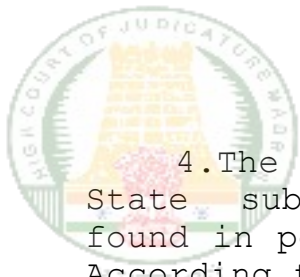
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A1, who was arrested on 14.01.2018 for the offence punishable under Sections 4(1)(aaa) and 4(1-A) of Tamil Nadu Prohibition Act in Crime No.32 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on the basis of the secret information, the police team headed by the Inspector of Police went to the occurrence place, on seeing the police party, the first accused try to escape from the place, but he was got hold. After arrest, he made voluntary confession statement, in which, he admitted that he possessed the alleged liquor with an intention to sell at the time of Pongal Festival. Hence, he was arrested and remanded to judicial custody.

3.The learned counsel appearing for the petitioner submitted that the petitioner did not commit any offence as alleged. According to F.I.R, the respondent police found liquors at a house, which belongs to A2. The petitioner herein is no way connected with the A2. He further submitted that he is in judicial custody from 14.01.2018 onwards. Hence, he prays for bail.



4.The learned Government Advocate (Crl.side) appearing for the State submitted that the petitioner along with other accused were found in possession of 2166 bottles of Indian Made Foreign Liquor. According to him, investigation is still pending.

5.Upon considering the arguments advanced by either side, it is alleged that during the time of occurrence, the petitioner herein found in possession of 2166 bottles of Indian Made Foreign Liquor, which are all sealed in Tamilnadu and one bottle which is having the seal of Pondicherry. Now, the property possessed by the petitioner was recovered. The learned Government Advocate (Criminal Side) appearing for the State submitted that the petitioner is not having any bad antecedents. Accordingly, considering the stage of investigation, further custodial interrogation of the petitioner may not be necessary for completing the investigation.

6.Considering the above facts and circumstances, 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 NoII, Thanjavur.

(ii)the petitioner is directed to appear before the respondent police daily at 10.30 a.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/-

06/02/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM

3 THE INSPECTOR OF POLICE,
MEDICAL COLLEGE HOSPITAL POLICE STATION,
THANJAVUR.

4 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY

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

+1. CC to M/S.G.THIRUVARUTSELVAN Advocate SR.No.1981

ORDER

IN

CRL OP(MD) No.1816 of 2018

Date :06/02/2018

PK/CM-VR/SAR-1/07.02.2018 : 3P/7C