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

Friday, the Ninth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2041 of 2018

KUMAR ... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
THIRUKKATTUPALLI POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.12 OF 2018. ... RESPONDENT / COMPLAINANT

For Petitioner :M/S.R.SURESH KUMAR Advocate

For Respondent :MR.K.SUYAMBULINGA BHARATHI Govt. 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 and remanded to judicial custody on 12.01.2018 for the offence punishable under Sections 4(1)(aaa) r/w 4(1-A)TNP Act in Crime No.12 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant, who is the Sub Inspector of Police attached to the respondent police, while conducting raid in the road, the petitioner and other accused were found in possession of 960 Nos. of 180 ml brandy bottles. Hence, the present case has been registered for the above said offence, the accused persons were arrested and remanded to judicial custody.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he is in judicial custody from 12.01.2018 onwards. Hence, he prays for bail.

4.The learned Government Advocate (Crl.side) appearing for the State submitted that there are totally three accused in this case. The petitioner herein is arrayed as A1. During the time of the occurrence, the petitioner possessed 960 brandy bottles without any license. The property which was used for the commission of offence was recovered. Further added that, there is no previous case is pending against this petitioner. According to him, investigation is still pending.

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5.The submissions made by the learned counsels appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner/A1 and other two accused without any license found in possession of 960 bottles of Indian Made Foreign Liquor. During the time of investigation, the property which was possessed by the petitioner was recovered. Further, the petitioner is not having any previous case. Hence, considering the nature of offence committed by the petitioner, 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, Thiruvaiyaru.

(ii)the petitioner is directed to appear before the respondent police daily at 10.00 a.m. for a period of one month, thereafter, as and when required for interrogation.

(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/-
09/02/2018

/ TRUE COPY /

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

TO
1 THE JUDICIAL MAGISTRATE, THIRUVAIYARU.
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
4 THE INSPECTOR OF POLICE,
THIRUKKATTUPALLI POLICE STATION, THANJAVUR DISTRICT.
5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
+1. CC to M/S.R.SURESH KUMAR Advocate SR.No.2216

ORDER IN
CRL OP(MD) No.2041 of 2018
Date :09/02/2018

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