



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

Friday, the Ninth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3732 of 2018

SIVAKUMAR @ SIVAKUMARAN

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
CHERANMAHADEVI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.30 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SATHYA CHIDAMBARAM, 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, who is arrayed as sole accused, was arrested and remanded to judicial custody on 05.02.2018 for the offence punishable under Section 4(1-A) of Tamil Nadu Prohibition Act in Crime No.30 of 2018, on the file of the respondent police, seeks bail.

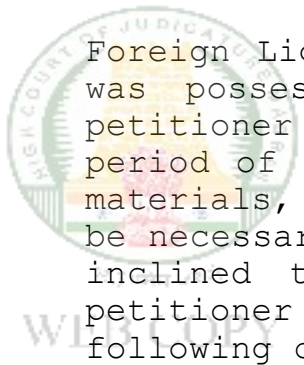
2.The case of the prosecution is that, the petitioner is said to have found in possession of 30 bottles (each 180 ml) of Indian made Foreign Liquor, without any valid licence. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 05.02.2018. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the properties were recovered and the investigation of the case is under progress.

5.The submissions made by the learned counsel appearing on either side are considered.

6. It is alleged during the time of occurrence, the petitioner found in possession of 30 bottles (each 180 ml) of Indian made



Foreign Liquor without any valid licence. Now, the property, which was possessed by the petitioner is recovered. As of now, the petitioner is in judicial custody from 05.02.2018. Considering the period of incarceration and also due to the recovery of contraband materials, further custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to enlarge the petitioner on bail. 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, Cheranmahadevi, Thirunelveli District;

(ii) the petitioner shall appear before the respondent Police daily at 10.00 a.m. for a period of three weeks and 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/-

09/03/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, CHERANMAHADEVI,
TIRUNELVELI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
4. THE SUB INSPECTOR OF POLICE,
CHERANMAHADEVI POLICE STATION, TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.SATHYA CHIDAMBARAM Advocate SR.No.3795

ORDER IN

CRL OP (MD) No.3732 of 2018

Date : 09/03/2018