



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

Friday, the Sixth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP (MD) No.5378 of 2018

MUTHU

... PETITIONER/ACCUSED No.1

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
DINDIGUL, DINDIGUL DISTRICT.
IN CR.NO. 7/2018

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.ALAGUSUNDAR Advocate

For Respondent : M/S.PRABU RAMACHANDRAN,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner is arrayed as Accused No.1. He surrendered before the learned Judicial Magistrate No.IV, Madurai, on 11.01.2018 and was remanded to judicial custody. The case against him is for the offences punishable under Sections 4(1)(aaa) and 4(1-A) of the Tamil Nadu Prohibition Act, in Crime No.7 of 2018, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that when the respondent police was on duty at Chinnalapatti, near Poonjolai, at that time, he found that one Prakash, S/o.Rajamani, was found in possession of one liquor bottle, which is having the seal of Karnataka State. Based on the confession given by the said person, the petitioner is figuring as first accused in this case.

3.The learned counsel appearing for the petitioner submitted that Goondas Act was invoked against the petitioner and the same was subsequently, revoked and prays for bail in favour of the petitioner.

4.The learned Government Advocate (Criminal side) opposed the grant of bail on the ground that there are five previous cases against the petitioner.



5. However, taking note of the fact that the petitioner is in prison since 11.01.2018, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

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- (i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Dindigul, Dindigul District.
- (ii) The petitioner shall appear before the respondent police as and when required for interrogation.
- (iii) The petitioner shall not abscond.
- (iv) On breach of any of the aforesaid conditions, the learned 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 learned 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/-

06/04/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, DINDIGUL DISTRICT.
 - 2 THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL
 - 3 THE INSPECTOR OF POLICE
PROHIBITION ENFORCEMENT WING, DINDIGUL, DINDIGUL DISTRICT.
 - 4 THE SUPERINTENDENT OF POLICE, CENTRAL PRISON, MADURAI
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.ALAGUSUNDAR Advocate SR.No.5595

ORDER

IN

CRL OP(MD) No.5378 of 2018

Date :06/04/2018