



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

Wednesday, the Fifth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.21505 of 2018

MUTHURAMALINGAM

... PETITIONER / ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KULASEKARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.239/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.ANAND Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

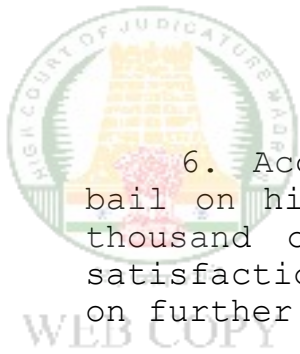
The petitioner, who was arrested and remanded to judicial custody since 21.11.2018 for the offence punishable under Sections 4 (1) (i) and 4 (1) (A) of Tamil Nadu Prohibition Act, in Crime No.239 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the defacto complainant was in his routine ride, the petitioner was found in possession of 309 acoholic liquour bottles.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the respondent and in order to incriminate the petitioner, the above First Information Report was registered.

4. The learned Government Advocate (Crl.side) would submit that investigation is pending.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.



6. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Thiruchendur and on further condition that:

[a] the petitioner shall report before the respondent police as and when required for the purpose of interrogation.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

05/12/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THIRUCHENDUR.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
 3. THE OFFICER INCHARGE, DISTRICT PRISON,
PEROORANI, THOOTHUKUDI.
 4. THE INSPECTOR OF POLICE,
KULASEKARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.R.ANAND Advocate SR.No.22736

ORDER

IN

CRL OP(MD) No.21505 of 2018

Date :05/12/2018