



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

Tuesday, the Ninth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.16978 of 2017

PANDI

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP BY ITS
THE INSPECTOR OF POLICE
PROHIBITION ENFORCEMENT WING,
THIRUMANGALAM POLICE STATION,
MADURAI DISTRICT,
IN CRIME NO.1316/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.GOWRISHANKAR 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 / sole accused, who was arrested on 14.11.2017 for the offence punishable under Sections 4(1)(a), 4(1)(i) and 4(1-A) of Tamilnadu Prohibition Act, in Crime No.1316 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 14.11.2017, at about 10.00 a.m, the defacto complainant went to the respondent police station and given a oral statement that on that day at about 9.00 a.m, he purchased a quarter bottle of brandy from the petitioner/accused's petty shop and while he drunk half of the same, he sustained eyes burn, giddiness and vomit. Thereby, the respondent police registered a case against the petitioner herein and remanded him to the judicial custody.

3.The learned counsel for the petitioner would submit that petitioner is running a petty shop near to the Wine Shop at Usilampatti and he never sold brandy bottle or allowed any persons to drink brandy at his Shop. Since his shop situated near to said Wine Shop, the respondent police often registered false petty case against the petitioner.



4. The learned Additional Public Prosecutor submitted that the petitioner is having seven previous cases in the similar type of offence and investigation is still pending.

5. Considering the submissions made on either side, it seems that the petitioner was remanded to judicial custody for the offences punishable under Sections 4(1)(a), 4(1)(i) and 4(1-A) of Tamilnadu Prohibition Act, and he is in judicial custody from 14.11.2017. Even though the petitioner is having seven previous cases, all the offences are registered under the Tamilnadu Prohibition Act and as of now, they were disposed of. Hence, considering the period of detention of the petitioner, further detention is not 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, Thirumangalam, Madurai District within 15 days from the date of receiving this order.

(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/-
09/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM, MADURAI DISTRICT

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE
PROHIBITION ENFORCEMENT WING,
THIRUMANGALAM POLICE STATION, MADURAI DISTRICT,

4 THE OFFICER INCHARGE
SUB JAIL, THIRUMANGALAM

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

+1. CC to M/S.R.GOWRISHANKAR Advocate SR.No.344

ORDER

IN

CRL OP (MD) No.16978 of 2017

Date :09/01/2018

SMA/PN/SAR-3/10.01.2018:3P/7C