



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

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP(MD) No.23017 of 2018

SUYAMBU

... PETITIONER / 4TH ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
P.E.W. NAGERCOIL POLICE STATION,
KANYAKUMARI DISTRICT.
(IN CRIME NO. 782 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.P.ALWIN BALAN, 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/A4, who is remanded to judicial custody in Crime No.782 of 2018 on the file of the respondent police for the offences punishable under Sections 420, 468, 471 IPC and Section 4(1-A), 14A of the Tamil Nadu Prohibition Act and Section 6,7 and 11 of the Tamil Nadu Recitified Spirit Rules, 2000, seeks bail.

2.The case of the prosecution is that on the date of occurrence, the respondent police on his routine vehicle check up, found a two wheeler driven by A1 with illicit arrack with foul smell. The petitioner herein assisted the other accused for filling up of bottles. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate [Criminal Side] for the respondent State.

4.According to the petitioner, FIR against the petitioner is baseless and it can be seen from the FIR that the alleged bottles was seized only from A1 and his wife A3. There is no recovery from the petitioner herein.



5. The learned Government Advocate [Criminal Side] opposed for grant of bail by submitting that the petitioner was arrested only on 09.12.2018 and his incarceration is required for investigation.

6. Considering the facts and circumstances of the case and also taking into consideration of the fact that the petitioner is said to have accompanied A1 in the sale of illicit arrack and that there is no recovery from the petitioner herein, 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.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.I, Nagercoil.

(ii) the petitioner shall appear before the respondent police daily twice morning at 10.30 a.m., and evening at 05.00 p.m., until further orders;

sd/-
27/12/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I,
NAGERCOIL.

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
P.E.W. NAGERCOIL POLICE STATION,
KANYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



5 THE OFFICER IN CHARGE,
CENTRAL JAIL,
NAGERCOIL.

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+1. CC to M/S.P.ALWIN BALAN Advocate SR.No.24174

ORDER

IN

CRL OP (MD) No.23017 of 2018

Date :27/12/2018

AMS/PN-AC/S-3/28.12.2018/3P/7C