



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

Thursday, the Twenty Second day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20712 of 2018

RAMAMOORTHY @ MOORTHY

... PETITIONER / ACCUSED NO.4

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
THOOTHUKUDI PROHIBITION ENFORCEMENT WING
POLICE STATION, THOOTHUKUDI.
CRIME NO.740/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.KARTHICK SUBRAMANIAN Advocate

For Respondent : MR.M.ASOKAN, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 24.10.2018 for the offences punishable under Sections 4(1) (aaa) r/w 4 (1-A) and 12 of Tamil Nadu Prohibition Act and Section 5, 6 and 11 of Tamil Nadu Rectified Spirits Rules 2000 and Sections 420, 468, 471, 328 I.P.C, in Crime No.740 of 2018, on the file of the respondent police, seeks bail.

2. The case of the petitioner is that the petitioner and other accused had manufactured illegally liquor and spirit with bogus labels in several bottles and plastic cane. On information, the respondent police have visited the place of occurrence and they have seized 2,167 liquor bottles (each contains 108ml) from the accused persons.

3. The learned Government Advocate (Criminal Side) would submit that no complaint has been received from the area in and around that any person suffered headache and vomit other health ailments due to consuming the liquor.

4. 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.



5. 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, Tiruchendur and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30, until further order.

[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].

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

sd/-
22/11/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, TIRUCHENDUR.

2 DO THROUGH THE CHIEF
JUDICIAL MAGISTRATE, TUTICORIN.

3 THE INSPECTOR OF POLICE,
THOOTHUKUDI PROHIBITION ENFORCEMENT WING
POLICE STATION, THOOTHUKUDI.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, PERURANI,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.KARTHICK SUBRAMANIAN Advocate SR.No. 21898

ORDER
IN
CRL OP(MD) No.20712 of 2018
Date :22/11/2018