



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

Tuesday, the Fifth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1739 of 2019

T.SIVAPANDI

... PETITIONER / PETITIONER A7

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUMANGALAM PEW POLICE STATION,
MADURAI DISTRICT.
(PROHIBITION ENFORMENT WING)
CRIME.NO.1388 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.BHARATHI, Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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 04.01.2019 for the offence punishable under Section 4 (1) (a), 4(1-A), 14A of TN Prohibition Act and Section 328, 420, 468, 471 IPC and Section 5, 6 and 7 of TN Rectified Spirit Rules, 2000 in Crime No.1388 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that based on the secret information, on 27.10.2018 the respondent police went to the occurrence place and secured accused Nos.5 and 6. Based on the confession given by the accused Nos.5 and 6 that they and the petitioner transported the illicit arrack, the petitioner/A7 was also arrested.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that there was no evidence against the petitioner and the petitioner is ready to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Dean, Rajaji Medical Hospital, Madurai, for welfare of the alcohol addicted persons.



4.The learned Government Advocate (Crl.Side) would submit that the petitioner having one previous case.

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 their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirumangalam and on further condition that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Dean, Rajaji Medical College, Madurai for the welfare of alcohol addicted persons.

(c)the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/02/2019

/ TRUE COPY /

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

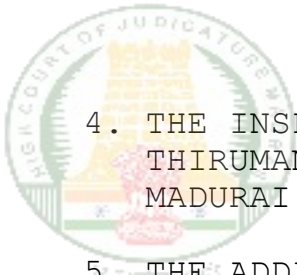
TO

1. THE JUDICIAL MAGISTRATE, THIRUMANGALAM.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>

3. THE OFFICER INCHARGE, SUB JAIL,
THIRUTHURAI POONDI, THIRUVAROOR DISTRICT.



4. THE INSPECTOR OF POLICE,
THIRUMANGALAM PEW POLICE STATION,
MADURAI DISTRICT. (PROHIBITION ENFORMENT WING)

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

COPY TO:
THE DEAN,
RAJAJI MEDICAL COLLEGE, MADURAI.

+1. CC to Mr.S.BHARATHI Advocate SR.No.2411

ORDER
IN
CRL OP (MD) No.1739 of 2019
Date :05/02/2019

MS/PN/SAR-2/05.02.2019/3P.8C