



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

Wednesday, the Twenty Seventh day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2356 of 2019

PON IRULAPPAN

... PETITIONER/ACCUSED

Vs

STATE REP.BY,
THE SUB INSPECTOR OF POLICE,
SEITHUR RURAL POLICE STATION,
VIRUDHUNAGAR DISTRICT,
IN CRIME NO.19/2019

... RESPONDENT/COMPLAINANT

For Petitioner : MR.S.MAYAPERUMAL, 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 :-

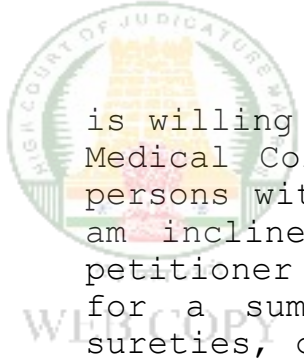
The petitioner who was arrested on 05.01.2019 for the offences under Sections 4(1)(aa), 4(1-A), 4(1)(b), 4(1)(g) TNP Act ,in Cr.No.19 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the the petitioner was found in possession of 100 litres of spirit.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he is innocent. However, on instructions, the learned counsel for the petitioner submitted that the petitioner is ready and willing to deposit a sum of Rs.25,000/- to the credit of the Dean, Medical College, Madurai, for the welfare of the alcohol addicted persons without prejudice to his defence before the trial Court.

4.The learned Additional Public Prosecutor vehemently opposed for grant of bail stating that there are five previous cases pending against the petitioner. However bail may granted by imposing stringent conditions.

5.Considering the nature of the case and considering the period of incarceration and also considering the fact that the petitioner



is willing to deposit sum of Rs.25,000/- to the credit of the Dean, Medical College, Madurai, for the welfare of the alcohol addicted persons without prejudice to his defence before the trial Court, I am inclined to grant bail to the petitioner. 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Rajapalayam and on further condition that:

(a) the petitioner shall deposit jointly a sum of Rs.25,000/- (Rupees Twenty Five thousand only) to the credit of the Dean, Medical College, Madurai, for giving treatment to the alcohol addicted persons, without prejudice to their defence before the trial Court;

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

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. and 5.30 p.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 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]**; and;

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

sd/-
27/02/2019

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE SUB INSPECTOR OF POLICE
SEITHUR RURAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

COPY TO: THE DEAN, MEDICAL COLLEGE, MADURAI.

+1. CC to MR.S.MAYAPERUMAL, Advocate SR.No.3909

ORDER
IN
CRL OP(MD) No.2356 of 2019
Date :27/02/2019

AAV
PK/MMS/SAR-3/27.02.2019 : 3P/8C