



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/08/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11875 of 2019

Karuppaiah

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Melavalavu Police Station,
Madurai District.
Crime No.147 of 2019

... Respondent/Complainant

For Petitioner : Dr.K.Malathi,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

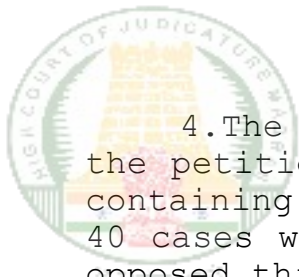
For bail petition in Cr.No.147 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petition has been filed by Sole Accused seeking bail for the alleged offence punishable under Section 4 (1-A) Tamilnadu Prohibition Act, in Crime No.147 of 2019.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is falsely implicated in this case and as per the FIR, on 24.07.2019, the petitioner was found in possession of 24 bottles of Honey Day Brandy containing poisonous substances. He further submitted that the petitioner is in custody from 24.07.2019, and therefore, he prayed to grant of bail to the petitioner.



4.The learned Additional Public Prosecutor has submitted that the petitioner was found in illegal possession of 24 Brandy bottles containing poisonous substances. He further submitted that already 40 cases were registered against the petitioner. Hence, he strongly opposed this petition.

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5.Considering the fact that the petitioner is in custody from 24.07.2019 and also the fact that even though the learned Additional Public Prosecutor has submitted that already 40 cases were registered against the petitioner, out of which, 35 cases were already disposed of and only 5 cases are pending against the petitioner and in the said 5 cases also he is on bail, this Court is inclined to grant bail to the petitioner by imposing conditions.

[a] 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, Melur.

[b] the petitioner shall report before the Respondent Police, daily at 10.00 a.m for a period of One Month and thereafter, as and when required for the interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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].

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

sd/-

26/08/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, MELUR.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 4. THE INSPECTOR OF POLICE,
MELAVALAVU POLICE STATION, MADURAI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to DR.K.MALATHI Advocate SR.No.14018

ORDER

IN

CRL OP(MD) No.11875 of 2019

Date :26/08/2019

MS/MMS/SAR-1/26.08.2019/3P.7C