



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/05/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5529 of 2020

Selvakumar @ Akarakumar

... Petitioner/Sole Accused

Vs

state Rep.by
The Sub Inspector of Police,
Prohibition Enforcement Wing,
Thuckalay,
Kanyakumari District.
(Crime No. 242 of 2020)

... Respondent/Complainant

For Petitioner : M/s A.Arunprasad,
Advocate.

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

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

PRAYER :-

For Bail in Crime No. 242 of 2020 on the respondent police.

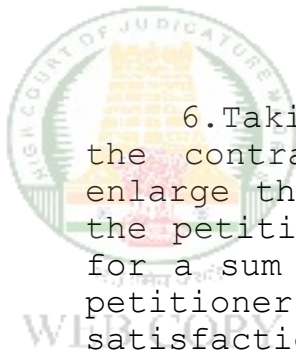
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2. The petitioner is sole accused. He was arrested and remanded to Judicial Custody on 02.05.2020 for the offences punishable under sections 4(1-A) and 14 A of TN Prohibition Act, in Crime No.242 of 2020 on the file of the respondent police. He seeks bail.

3.The petitioner herein found in possession of 2 liters of ID Arrack. Hence, he was arrested by the respondent police on 02.05.2020.

4.The learned Additional Public Prosecutor submits that the illicit arrack smell poisonous and chemical analyse report is awaited.



6. Taking note of the fact that and considering the quantity of the contraband and period of incarceration, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly the petitioner is ordered to be released on bail on executing bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) and the petitioner shall furnish with two sureties for likesum to the satisfaction of the Judicial Magistrate Court No.II, Pathmanabapuram, and on further condition that,

i) the petitioner shall report before the respondent police as and when required for interrogation.

ii) the petitioner shall not tamper with evidence or witness.

iii) the petitioner shall not abscond during trial.

iv) 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].

v) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, PATHMANABAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYANKOTTAI, THIRUNELVELI DISTRICT.
4. THE SUB INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
THUCKALAY, KANYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.5529 of 2020

Date : 29/05/2020