

**IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, MADURAI.**

**PRESENT: THIRU. M.THANDAVAN, B.L.,**

**(I Additional District & Sessions Judge, Madurai)**

**PRINCIPAL SESSIONS JUDGE (i/c.) MADURAI.**

**(AUTHORISED U/S.10(3) OF CR.P.C.)**

**Thursday, this the 20<sup>th</sup> day of August -2020.**

**CrI.M.P.No.3729/2020**

Chinnasamy, S/o.Nallamayan

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Sedapatti P.S. Cr.No.1849/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.M.Kubendran, Advocate for the petitioner and of Thiru.M. Tamil Chelvan, the Public Prosecutor for the state over conference call, this court passed the following

**Order**

1. Bail application u/s. 439 of Cr.p.c.
2. The offences alleged are U/s. 4(1-A) of TNP Act.
3. Heard.

4. The case of the petitioner is that the date of occurrence was 14.8.2020, the accused was remanded into judicial custody on the same date and he is in custody for the past 7 days. The properties have been recovered. The petitioner has not committed any offence as stated by the prosecution. The case has been registered by the police only for the statistical purpose. The petitioner is ready to abide by any condition imposed by this court and prays to grant bail.

5. It is argued on the part of the respondent that the date of occurrence was 14.8.2020. The petitioner was found with illegal possession of 96 brandy bottles each contains 180 ml. The petitioner is having previous cases in similar nature of offence. The learned public prosecutor raised his objection.

6. This court carefully perused the records and the arguments of both sides. It is argued on the part of the petition that a function is to be celebrated tomorrow for getting the contribution from the volunteers (மொய்விருந்து) to perform the marriage of the petitioner. The petitioner's wife is no more. The presence of the petitioner is very much essential to perform the function tomorrow. The invitation for the function is going to be celebrated tomorrow has been filed. It is also fairly admitted by the learned public prosecutor that such a invitation has already been shown to him. Therefore, considering the facts of the case and considering the incarceration period of the petitioner for the past 7 days, it is held that the petitioner is entitled to enlarge on bail and the petition is hereby allowed.

7. In the result, the Petitioner is ordered to be enlarged on bail on his executing own bond for Rs.10,000/- to the satisfaction of the **Superintendent, Sub Jail, Usilampatti**. After a period of 6 weeks, the petitioner should surrender before the Judicial Magistrate concerned and execute a fresh bond for Rs.10,000/- each with two sureties for likesum each to the satisfaction of Judicial Magistrate concerned. Thereafter, the petitioner shall appear and sign before the Inspector of Police, Respondent Police Station daily at 10.00 a.m., until further orders. The petitioner shall co-operate with the investigation and he shall not threaten the witnesses, he shall not induce witnesses and they shall not cause obstacles to the pending investigation. If there is any violation of condition, the Investigation Officer is within his discretion to approach the

Court of the learned Judicial Magistrate concerned for cancellation of bail order though bail granted by the Sessions Court, as per ruling of the Hon'ble Supreme Court reported in ***P.K. Shaji /Vs./State of Kerala (2005) AIR SC W 5560.*** Accordingly, the petition is allowed.

Pronounced by me in Camp Court on the 20<sup>th</sup> day of August -2020.

Sd/-M.Thandavan,

Principal Sessions Judge (i/c.),Madurai.

Copy to

1. The Judicial Magistrate concerned
2. The Inspector of Police, Sedapatti P.S.
3. The Superintendent, Sub Jail, Usilampatti.
4. The Petitioner through his counsel.