



CRL OP(MD). No.1306 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1. Sankar

2. Kirubakaran

... Petitioners/ Accused Rank Nos.1 to 2

Vs

The Inspector of Police,
Thanjavur Medical College Police Station,
Thanjavur District.
Crime No.22 of 2024.

... Respondent/Complainant

For Petitioners	:	M/s.Dhilipan Pandian R L, Advocate.
For Respondent	:	Mr.B.Nambi Selvan, Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.22 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 16.01.2024 for the offences under Sections 4(1)(a) and 4(1-A) of Tamil

Nadu Prohibition Act and Section 77 of the Juvenile Justice (Care and Protection of



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Children) Act, 2015, in Crime No.22 of 2024, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of 26 numbers of Cigarette pocket and 8 numbers of TASMAL Brandy liquor bottles (each containing 180ml). Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any allegations as alleged by the prosecution and they have been falsely implicated in this case. However, on instructions, he would further submit that the petitioners, on their own volition, are ready and willing to deposit a sum of Rs.5,000/- to the credit of the Dean, Thanjavur Medical College Hospital, Thanjavur, for giving treatment to the alcohol addicted patients, without prejudice to their defence before the trial Court. Hence, he prays for grant bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that the petitioners were found in possession of 26 numbers of Cigarette pocket and 8 numbers of TASMAL Brandy liquor bottles (each containing 180ml) illegally and apart from this case, A1 is having one previous case and A2 is having no previous case and the investigation is pending. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and considering the fact that the petitioners are ready to deposit some amount to the Dean, Thanjavur



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Medical College Hospital, Thanjavur, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.II, Thanjavur, Thanjavur District, and on further conditions that:

(a) the petitioners shall make a non-refundable deposit of Rs.5,000/- (Rupees Five Thousand only) jointly to the Dean, Thanjavur Medical College Hospital, Thanjavur, for giving treatment to the alcohol addicted patients, without prejudice to their defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/ acknowledgement, shall accept the sureties furnished by the petitioners;

(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 petitioners are directed to appear before the respondent police daily at 10.30 a.m, until further orders;



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

(e)the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/01/2024

/ TRUE COPY /

30/01/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

1 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR,
THANJAVUR DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE, DISTRICT PRISON, THANJAVUR,
THANJAVUR DISTRICT.

<https://www.mhc.tn.gov.in/judis>



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4 THE INSPECTOR OF POLICE,
THANJAVUR MEDICAL COLLEGE POLICE STATION, THANJAVUR DISTRICT.

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

COPY TO
THE DEAN,
THANJAVUR MEDICAL COLLEGE HOSPITAL,
THANJAVUR.

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-1185[I] dated 30/01/2024)
ORDER
IN
CRL OP(MD) No.1306 of 2024
Date :30/01/2024

RS//SAR-(30.01.2024) 5P 8C
Madurai Bench of Madras High Court is issuing
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