



CRL OP(MD). No.1382 of 2024

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

Date : 31/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.1382 of 2024

Mohanambal

... Petitioner/ Accused No.3

Vs

The State Represented by
The Inspector of Police,
Kumbakonam West Police Station,
Kumbakonam,
Thanjavur District.
(In Crime No.629 of 2023)

... Respondent/Complainant

For petitioner : Mr.V.Selvakumar
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.629 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on



CRL OP(MD). No.1382 of 2024

12.11.2023 for the offences under Sections 4(1)(aa) and 4(1-A) of Tamilnadu Prohibition Act, in Crime No.629 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner and the other accused were found in illegal possession of 432 brandy bottles worth about Rs.56,000/-. Thereby, she was arrested and remanded to judicial custody. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and she has been falsely implicated in this case. The petitioner did not commit any allegations as alleged by the prosecution. However, the petitioner, without prejudice to her rights, is ready to deposit a sum of Rs.5,000/- to the credit of the Dean, Thanjavur Medical College Hospital, Thanjavur, for the welfare Cancer patients, without prejudice to her defence before the trial Court.

4. The learned Additional Public Prosecutor submitted that the petitioner along with other accused were found in illegal possession of 432 brandy bottles worth about Rs.56,000/-. He further submitted that the petitioner is having 38 previous cases. Among them, 31 cases are disposed of and 7 cases are pending. Hence, he vehemently, opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the



CRL OP(MD). No.1382 of 2024

period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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7. Accordingly, the petitioner is ordered to be released on bail on her 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 No.I, Kumbakonam, and on further conditions that:

(a) as per the undertaking given by the petitioner, the petitioner shall make a non-refundable deposit of Rs.5,000/- (Rupees Five Thousand only) to the Dean, Thanjavur Medical College Hospital, Thanjavur, for giving treatment to the Cancer patients, without prejudice to her rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties;

(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;

(b) the petitioner is directed to appear before the respondent police as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either



CRL OP(MD). No.1382 of 2024

WEB COPY

during investigation or trial;

(d)the petitioner shall not abscond 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]; and;

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

sd/-
31/01/2024

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

DSS

To

1.The Judicial Magistrate No.I,
Kumbakonam



CRL OP(MD). No.1382 of 2024

2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3.The Inspector of Police,
Kumbakonam West Police Station,
Kumbakonam, Thanjavur District.

4.The Officer Incharge,
District Jail, Thanjavur.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Dean,
Thanjavur Medical College Hospital,
Thanjavur.

ORDER

IN

CRL OP(MD) No.1382 of 2024

Date :31/01/2024

ED/ /SAR- (31/01/2024) 5P / 7C

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