



CRL OP(MD). No.1762 of 2024

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

Date : 06/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Prabu

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
(Crime No.44/2024.)

... Respondent/Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian, Advocate.

For Respondent : Mr.B.Nambiselvan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.44/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 26.01.2024 for the offences under Sections 4(1)(a) & 4 (1-A) of



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Tamil Nadu Prohibition Act, in Crime No.44 of 2024, on the file of the respondent

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Police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 48 numbers of 180 ML Semens Brandy Liquor Bottles. Thereby, he was arrested and remanded to judicial custody. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner did not commit any offence as alleged by the prosecution. However, the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.20,000/- to the credit of the Dean, Thanjavur Medical College Hospital, Thanjavur, for the welfare of the Cancer patients, without prejudice to his defence before the trial Court.

4. The learned Additional Public Prosecutor submitted that the petitioner is having three previous cases and out of which, two cases were referred as “mistake of fact” and accordingly, he opposes for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his



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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.II, Thanjavur, Thanjavur District, and on further conditions that:

(a) as per the undertaking given by the petitioner, the petitioner shall make a non-refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) to the Dean, Thanjavur Medical College Hospital, Thanjavur, for giving treatment to the Cancer patients, without prejudice to his 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 daily at 10.30 A.M., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;



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(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/-
06/02/2024

/ TRUE COPY /

06/02/2024
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

To

- 1.The Judicial Magistrate No.II,
Thanjavur, Thanjavur District.
- 2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
- 3.The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.



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4.The Officer Incharge,
District Prison,
Thanjavur, 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-1477[I] dated 06/02/2024)

ORDER
IN
CRL OP(MD) No.1762 of 2024
Date :06/02/2024

ED/ /SAR- (06/02/2024) 5P / 8C

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