



CRL OP(MD). No.1952 of 2024

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

Date : 08/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD). No.1952 of 2024

Singaperumal

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
In Crime No.138 of 2024.

... Respondent/Complainant

For Petitioner : M/s.C.Geetha, 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.138 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 25.01.2024 for the offences punishable under Sections 4(1)(aa) and 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.138 of 2024, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that the petitioner was found in illegal possession of 397 numbers of brandy bottles, each containing 180 ml and the same was seized by the respondent Police. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offences as alleged by the prosecution and he was falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 25.01.2024. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.60,000/- to the VGM Government Higher Secondary School, Darasuram, Kumbakonam, for making toilet facility to the welfare of the girl student. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that five previous cases are pending against the petitioner. Hence, he opposed to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

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



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6. Considering the facts and circumstances of the case and also considering the amount of liquor involved in this case, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on his 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, Papanasam, and on further conditions that:

(a) (i) after coming out on bail, as per the undertaking given by the petitioner, the petitioner is directed to deposit a sum of Rs.60,000/- (Rupees Sixty Thousand only) by way of Demand Draft in favour of the Headmaster/Headmistress, VGM Government Higher Secondary School, Darasuram, Kumbakonam, for making toilet facility to the welfare of the girl student within a period of six weeks from the date of receipt of a copy of this order.

ii) the Headmaster/Headmistress of the above said school is directed to carry out the welfare works as mentioned above in their school using the above said deposit amounts and report the same with necessary proofs of accounts, receipts and



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documents before the concerned learned Judicial Magistrate and the Registrar,
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Madurai Bench of Madras High Court, Madurai.”

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

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

(e) the petitioner 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 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



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in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

sd/-
08/02/2024

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08/02/2024
Sub-Assistant Registrar (CS-II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Indu

TO

- 1.THE JUDICIAL MAGISTRATE, PAPANASAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3.THE SUPERINTENDENT,
SUB JAIL,
PAPANASAM, THANJAVUR
- 4.THE INSPECTOR OF POLICE,
KABISTHALAM POLICE STATION,
THANJAVUR DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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1.THE REGISTRAR(JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2.THE HEADMASTER/HEADMISTRESS,
VGM GOVERNMENT HIGHER SECONDARY SCHOOL,
DARASURAM, KUMBAKONAM,

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-1622[I] dated 08/02/2024)

ORDER
IN
CRL OP(MD) No.1952 of 2024
Date :08/02/2024

RK/RL (08 /02/2024) 6P / 8C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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