



CRL OP(MD). No.3565 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1.Murugaiyan

2.Sudhakar

... Petitioners/ Accused No.1 & 2

Vs

The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
Cr.No.132/2024.

... Respondent/ Complainant

For Petitioners : Mr.R.Alagia Nambi,
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.132/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused Nos.1 and 2, who were arrested and remanded



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to judicial custody on 24.02.2024 for the offences under Sections 4(1)(a), 4(1-A), 4(1)(i), 4(1)(k) and 4(1) (jj) and 7(1) of Tamil Nadu Prohibition Act, in Crime No.132 of 2024, on the file of the respondent Police, seek bail.

2. The case of the prosecution is that the petitioners were found in illegal possession of 79 numbers of Liquor Bottles. Thereby, they were arrested and remanded to judicial custody. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners did not commit any offence as alleged by the prosecution and the petitioners are in judicial custody from 24.02.2024. However, the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.10,000/- jointly, to the credit of the **Dean, Thanjavur Medical College Hospital, Thanjavur**, for the welfare of the Cancer patients, without prejudice to their defence before the trial Court.

4. The learned Additional Public Prosecutor submitted that the investigation is yet to be completed.



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5. Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant 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, Orathanadu, Thanjavur District**, and on further conditions that:

(a) as per the undertaking given by the petitioners, the petitioners shall make a non-refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only) jointly, to the Dean, Thanjavur Medical College Hospital, Thanjavur, for giving treatment to the Cancer patients**, without prejudice to their 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;



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(c) the petitioners are directed to appear before the respondent police daily at 10.30 A.M., until further orders;

(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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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06/03/2024

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

SSB



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TO

- 1 THE JUDICIAL MAGISTRATE,
ORATHANADU, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON, THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

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

+1 CC to M/s.R.ALAGIA NAMBI, Advocate (SR-2785[I] dated 06/03/2024)

ORDER
IN
CRL OP(MD) No.3565 of 2024
Date :06/03/2024

SS/SAR- /06/03/2024/5P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023