



CRL OP(MD). No.4482 of 2024

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

Date : 21/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1. Dechinamoorthy

2. Selvam

... Petitioners/ Accused Nos.2 and 3

Vs

The Inspector of Police,
Kumbakonam PEW Police Station,
Thanjavur District.
(Crime No.184/2024.)

... Respondent/Complainant

For Petitioners : Mr.C.Ezhilarasu, 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.184 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/ Accused Nos.2 and 3, who were arrested and remanded to
judicial custody on 09.03.2024 for the alleged offence punishable under Sections



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4(1)(a), 4(1)(j), 4(1)(k), 4(1-A) and 24 of the Tamil Nadu Prohibition Act in Crime

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NO.184 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with other accused persons were illegally found in possession of 12 nos of 180 ML TASMAL Brandy liquor bottles. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. He would further submit that the petitioners are in judicial custody from 09.03.2024. However, on instructions, he would further submit that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.10,000/- to the credit of the Dean, Thanjavur Medical College Hospital, Thanjavur, for the welfare of the patients and hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioners were found in illegal possession of 12 nos of 180ml TASMAL Brandy liquor bottles. Hence, he vehemently opposed for grant of bail.

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, subject to the following conditions:



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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 NO.II, Kumbakonam and on further conditions that:

(a) as per the undertaking given by the petitioners, the petitioners shall make a Demand Draft of a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Dean, Thanjavur Medical College Hospital, Thanjavur, for giving treatment to the 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;

(c) the petitioners are directed to appear before the respondent Police at 10.30 A.M., for a period of two weeks and thereafter, as and when required for interrogation;



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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 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;

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

sd/-
21/03/2024

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21/03/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG



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To

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1.The Judicial Magistrate No.II,
Kumbakonam.

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

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

4.The Officer Incharge,
Sub Jail, Kumbakonam.

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.C.EZHILARASU, Advocate (SR-3465[I] dated 21/03/2024)

ORDER

IN

CRL OP(MD) No.4482 of 2024

Date :21/03/2024

ED/ /SAR- (21/03/2024) 5P / 8C

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