



CRL OP(MD). No.4647 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.4647 of 2024

1.Sathishkumar

2.Gopinath

3.Dinakaran

4.Palanisamy

... Petitioners/ Accused Nos.1 to 4

Vs.

The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
In Crime No.130 of 2024.

... Respondent/Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian,
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.130 of 2024 on the file of the respondent police.

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ORDER : The Court made the following order :-

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The petitioners/ Accused, who were arrested and remanded to judicial custody on 09.03.2024 for the offences punishable under Sections 4(1)(a), 4(1)(k), 4(1)(i), 4(1)(j), 4(1-A) & 24 of Tamil Nadu Prohibition Act, in Crime No.130 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 77 numbers of 180 ML TASMAL brandy liquor bottles. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any allegations as alleged by the prosecution and they were falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 09.03.2024 days. However, the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.7,000/- each to the credit of the Dean, Thanjavur Medical College Hospital, Thanjavur, for the welfare Cancer patients, without prejudice to their defence before the trial Court. Hence, he prays for grant bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent

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would submit that apart from this case, the first and third petitioners are having one previous case in similar nature, the second petitioner is having 13 previous cases in similar nature and no previous case is pending against the fourth petitioner. Hence, he opposed to grant bail to the petitioners.

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

6. The learned counsel appearing for the petitioner seeks leave of this Court to withdraw this petition in respect of the second petitioner and he has also made an endorsement to that effect.

7. Considering the facts and circumstances of the case and the period of incarceration suffered by the petitioner Nos.1, 3 and 4, this Court is inclined to grant bail to the petitioner Nos.1, 3 and 4 with certain conditions.

8.Accordingly, this Criminal Original Petition is partly allowed, in respect of the petitioner No.2, this petition is dismissed as withdrawn. In respect of the petitioner Nos.1, 3 and 4, this petition is allowed. The petitioner Nos.1, 3 and 4 are ordered to be



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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, Thiruvaiyaru, Thanjavur District, and on further conditions that:

(a) as per the undertaking given by the petitioner Nos.1, 3 and 4, the petitioner Nos.1, 3 and 4 shall make a non-refundable deposit of Rs.7,000/- (Rupees Seven Thousand only) each 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;

(c) the petitioner Nos.1, 3 and 4 are directed to appear before the respondent police daily at 10.30 a.m, until further orders;

(d) the petitioner Nos.1, 3 and 4 shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner Nos.1, 3 and 4 shall not abscond either during



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investigation or trial;

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(f) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner Nos.1, 3 and 4 in accordance with law as if the conditions have been imposed and the petitioner Nos.1, 3 and 4 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/-
25/03/2024

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25/03/2024
Sub-Assistant Registrar (PA-II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Indu

TO

1. The Judicial Magistrate,
Thiruvaiyaru, Thanjavur District.
2. Do-Through The Chief Judicial Magistrate,
Thanjavur District @ Kumbakonam.
3. The Officer in charge,
District Prison, Thanjavur, Thanjavur District.

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4.The Inspector of Police,
Thiruvaiyaru Police Station, Thanjavur District.

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.4647 of 2024

Date :25/03/2024

RK/ (25/03/2024) 6P / 7C

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