

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.OP.No.22525 of 2016

Malliga .. Petitioner/Accused

Vs

State Rep. by  
The Inspector of Police,  
PE Wing, Hosur,  
Dharmapuri District.  
Crime No.898 of 2016 .. Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439(1)  
(b) Cr.P.C. to modify the condition imposed to deposit  
Rs.50,000/- into the court in Cr1.MP.No.1538/2016 in Crime  
No.898 of 2016 dated 27.09.2016 on the file of the Principal  
Sessions Judge, Dharmapuri.

For Petitioner : Mr.Durai Gunasekaran

For Respondent : Mr.M.Mohamed Riyaz  
Government Advocate (Cr1. Side)

O R D E R

This Criminal Original Petition has been filed to modify  
the bail order dated 27.09.2016 passed by the Principal  
Sessions Judge, Dharmapuri in Cr1.MP.No.1538 of 2016 in Crime  
No.898 of 2016.

2. Heard the learned counsel appearing for the petitioner  
and the learned Government Advocate (Cr1. Side) appearing for  
the respondent.

3. It is seen that this petitioner was arrested in Crime  
No.898 of 2016 for various offences under Section 4(1)(a) r/w  
4(1-A) of Tamil Nadu Prohibition Act and remanded to custody.  
The learned Principal Sessions Judge, Dharmapuri has granted  
bail in Cr1.M.P.No.1538 of 2016 on 27.09.2016 on condition  
that the petitioner shall deposit a sum of Rs.50,000/- into  
the Court .

4. The learned counsel for the petitioner submitted that

the petitioner is a very poor lady and that she is not able to raise the amount. It is further submitted that the petitioner is not involved in any previous case.

5. In the considered opinion of this Court, the order passed by the learned Principal Sessions Judge, Dharmapuri cannot be said to be totally perverse. In this case the petitioner is said to be in possession of 8 litres of country made arrack.

6. Under such circumstances, this Court is of the view that it will be in the interest of justice, if the deposit amount of Rs.50,000/- is reduced to Rs.25,000/-. Rest of the conditions shall remain the same. In the event of the petitioner jumping bail, it is open to register a fresh case against him under Section 229-A of IPC.

With the above modification, this Criminal Original Petition is closed.

Sd/-  
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ds

To

1.The Principal Sessions Judge,  
Dharmapuri.

2.The Inspector of Police,  
PE Wing, Hosur,  
Dharmapuri District.

3.The Judicial Magistrate,  
Harur.

4.The Public Prosecutor,  
High Court, Madras.

1 cc to Mr.Durai Gunasekaran, Advocate, sr.56996

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