

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2020

CORAM:

**THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR**

CRL.O.P.No.8286 of 2020

Selvi  
W/o.Ravi,  
Chinnapudhur Village,  
Pinnadurai Post,  
(via) Odugathur,  
Anaicut Taluk,  
Vellore District.

... Petitioner

State Rep. By  
The Inspector of Police,  
Prohibition Enforcement Wing,  
Vellore  
Vellore District.  
Crime No.287 of 2020

Vs.

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C., praying, to enlarge the petitioner on bail in Crime No.287 of 2020 pending investigation on the file of the respondent.

For Petitioner : M/s.R.Thulasi

For Respondent: Mr.S.Karthikeyan,  
Additional Public Prosecutor

## **ORDER**

The Petitioner, who was arrested and remanded to judicial custody on 20.05.2020 for the offence punishable under Sections 4(1)(a) and 4(1-A) (ii) of the Tamil Nadu Prohibition Act, 1937, in Crime No. 287 of 2020 on the file of the Respondent Police, seek bail.

2.The case of the prosecution is that the Petitioner was found in possession of 30 liters of I.D. Arrack containing ingredients of poisonous substance. Hence the complaint was registered.

3.The learned Counsel appearing for the Petitioner would submit that the Petitioner has not committed any offence as alleged by the prosecution. She would further submit that the Petitioner has been falsely implicated in this case and there is no bad antecedent against her. Further she would submit that the Petitioner is in judicial custody from 20.05.2020 and hence, she seeks bail for the Petitioner.

4.The learned Additional Public Prosecutor (Crl. Side) would submit that the Petitioner was in possession of 30 litres of arrack illegally brewed. He submits that

there are previous case against the Petitioner. He opposed for grant of bail to the Petitioner.

5.Taking into consideration the nature of allegations against the Petitioner in the FIR and also taking note of the fact that the Petitioner is in judicial custody from 20.05.2020, this Court is inclined to grant bail to the Petitioner, subject to the following conditions:-

(a) the Petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai – 600 020 (Bank: Andhra Bank, Madhya Kailash, SB A/C No.149710011005477), and on such deposit, the Petitioner is ordered to be released on bail on executing her own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each before the Superintendent of the concerned prison, in which the Petitioner has been confined on her release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or

Bank Pass Book to ensure their identity;

(d) the Petitioners shall report before the Respondent Police as and when required for interrogation.

(e) the Petitioners shall not commit any offences of similar nature;

(f) the Petitioners shall not abscond either during investigation or trial;

(g) the Petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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

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

सत्यमेव जयते

10.06.2020

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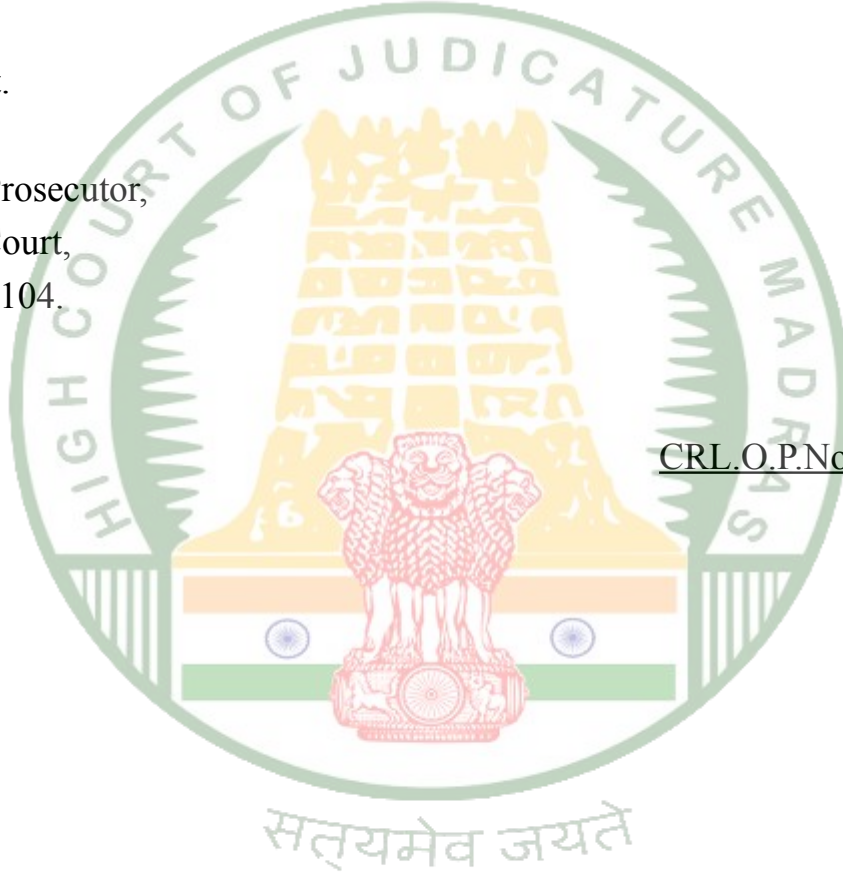
**M.NIRMAL KUMAR, J.**

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To

1. The Inspector of Police,  
Prohibition Enforcement Wing,  
Vellore  
Vellore District.

2. The Public Prosecutor,  
Madras High Court,  
Chennai – 600 104.



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