



WEB COPY



Crl.OP.No.18190 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.18190 of 2022

Ayyammal

...Petitioner

Vs.

State Rep by
Inspector of Police,
Steel Plant Police Station,
Salem District.
(Cr. No. 133/2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail relating to Crime No.133 of 2022
on the file of the respondent police.

For Petitioner : Mr.N.U.Pressanna
For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.07.2022 for the offences punishable under Sections 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act in crime No.133 of 2022 on the file of the respondent police, seeks bail.



CrI.OP.No.18190 of 2022

WEB COPY

2.The case of the prosecution is that the petitioner is alleged to have found in possession of 6 bottles of liquor labelled as Black Pearl Brandy 180 ml illegally, for the purpose of selling it to the general public. Hence, this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is not involved in the above alleged offence and she is no way connected with the offence as alleged by the prosecution and she did not commit any offence. Further, on instruction, he would submit that in order to show her bonafide, the petitioner is ready and willing to deposit a sum of Rs.50,000/- to **the Dean, Stanley Medical College and Hospital, Chennai** and that the petitioner is in judicial custody from 05.07.2022. Hence, he seeks for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor (CrI.Side) would submit that the petitioner is in possession of 6 bottles of liquor labelled as Black Pearl Brandy 180 ml illegally and she is having 22 previous



Crl.OP.No.18190 of 2022

cases and that the investigation is pending. Hence, he vehemently 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 05.07.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall deposit a sum of Rs.50,000/-(Rupees Fifty thousand only) directly to **the Dean, Stanley Medical College and Hospital, Chennai**, and on such deposit the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two blood related sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate - 1, Salem**, and on further conditions that:-

[a] 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.

[b] the petitioner shall deposit a sum of Rs.50,000/-(Rupees Fifty Thousand only) directly to the Dean, Stanley Medical College and



CrI.OP.No.18190 of 2022

Hospital, Chennai, to enable the Dean to use the aforesaid amount for the purpose of treating the alcohol influenced patients and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner stay at Kalpakkam, and report before Inspector of Police, Kalpakkam Police Station twice daily at 10.30 a.m. and 5.30 p.m. for a period of six weeks and thereafter before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

02.08.2022

mpl



WEB COPY



Crl.OP.No.18190 of 2022

G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate - 1,
Salem.
- 2.The Inspector of Police,
Steel Plant Police Station,
Salem District.
- 3.Central Prison,
Salem.
- 4.The Public Prosecutor,
High Court of Madras

Crl.O.P.No.18190 of 2022

02.08.2022