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Crl.O.P.No.25186 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.25186 of 2022

Valli @ Valliammal

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Theevattipatti Police Station,
Salem.

(Crime No.352/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.352
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Prakash

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.08.2022 for the offences punishable under Sections 4(1)(a), 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.352 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 19.08.2022, when the respondent police and their team were on their routine patrol duty, they found that the petitioner along with the other accused had illegally transported 28 bottles of Tasmac liquor. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that this is the third bail application before this Court and this Court had earlier dismissed the bail applications filed in Crl.O.P.Nos.21775 & 23139 of 2022 vide orders dated 13.09.2022 & 23.09.2022 respectively, on the ground that the petitioner has got seven previous cases. He would further submit that the petitioner is an innocent person and she has been falsely implicated in this case and she is in custody from 19.08.2022. He would also submit that



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without prejudice, the petitioner is prepared to deposit some considerable amount as non- refundable deposit to any welfare scheme of the Government and she is prepared to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with the other accused were illegally transported 28 bottles of Tasmac liquor. He would further submit that there are 7 previous cases as against the petitioner and this is the third bail application of this petitioner before this Court and the earlier bail applications were dismissed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. In order to curb the illegal activities of transporting illicit arrack, this Court is of the opinion that the petitioner shall deposit a sum of



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Rs.10,000/- (Rupees Ten thousand only) as non refundable deposit to "The Dean/Medical Officer, Government Mohan Kumaramangalam Medical College Hospital, Salem", without prejudice to her rights and contentions before the trial Court.

7. Merely, because the petitioner deposits the said amount, it would not amount to admission of her guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner has prepared to deposit Rs.10,000/- to any welfare scheme of the Government, this Court is inclined to grant bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail on condition to make a non refundable deposit of **Rs.10,000/- (Rupees Ten thousand only)** by way of Demand Draft/RTGS/NEFT to the "The Dean/Medical Officer, Government Mohan Kumaramangalam Medical



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College Hospital, Salem" without prejudice to her rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.25,000/-(Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Omallur**, 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 report before the respondent Police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

[e] 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



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Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala**
[(2005)AIR SCW 5560];

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

18.10.2022

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To

1. The Judicial Magistrate, Omallur
2. The Inspector of Police,
Theevattipatti Police Station,
Salem.
3. The Central Prison (Women's Sec).
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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