



Crl.O.P.No.28593 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

CORAM

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

Crl.O.P.No.28593 of 2022

Kalaiselvi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Jayamkondam Police Station,
Ariyalur District.

(Crime No.391/2022).

... 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.391
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.T.Muruganantham

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 10.11.2022, for the offences punishable under Sections 4(1)(a) r/w 4(1)(A) of Tamil Nadu Prohibition Act, in Crime No.391 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent police and their team were on their routine patrol duty, the petitioner was found to be in illegal possession of 4 bottles of Copper Barrel Brandy (each containing 180ml), 6 bottles of Honey Bee Brandy (each containing 180ml) and 2 Nos. brandy bottles containing 90 ml for sale. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He also submitted that the petitioner is in custody from 10.11.2022 and she is prepared to abide by any stringent conditions that may be imposed by this Court, hence, he prayed to grant bail to the petitioner.



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4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner, who is a sole accused in this case, was found to be in illegal possession of 4 bottles of Copper Barrel Brandy (each containing 180ml), 6 bottles of Honey Bee Brandy (each containing 180ml) and 2 Nos. brandy bottles containing 90 ml for sale. He also submitted that there is no previous case as against the petitioner. However, 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. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also taking note of the fact that there is no previous case as against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, 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 No.I, Jayamkondam**, 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 everyday at 10.30 a.m., until further orders;

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

[d] the petitioner shall not tamper with evidence or witness 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 Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***;



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

22.11.2022

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To

1. The Judicial Magistrate No.I,
Jayamkondam.
2. The Inspector of Police,
Jayamkondam Police Station,
Ariyalur District.
3. The Central Prison for Women,
Trichy.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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