



Crl.O.P.No.6968 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

CORAM

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

Crl.O.P.No.6968 of 2023

Vijaya

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
Prohibition Enforcement Wing,  
Polur Police Station,  
Tiruvannamalai District.

(Crime No.264 of 2023).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleaded to enlarge the petitioner/accused on bail, in connection with the  
Crime No.264 of 2023, pending investigation on the file of the respondent  
Police.

For Petitioner : Ms.S.Nishanthi

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



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Crl.O.P.No.6968 of 2023

## **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 05.03.2023, for the offences punishable under Sections 4(1)(a) r/w 4(1-A)(ii) of Tamil Nadu Prohibition Act, in Crime No.264 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent and his team were on their regular patrol duty, they found that the accused was in illegal possession of 30 litres of ID arrack. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, who is a senior citizen, aged about 64 years, is an innocent person and she has been falsely implicated in this case. She also submitted the petitioner is in custody from 05.03.2023, hence, she prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the accused was found to be in illegal possession 30 litres of ID arrack. He further submitted that 5 previous cases



Crl.O.P.No.6968 of 2023

of similar nature are pending against the petitioner. Therefore, he opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to her defence and contention, is ready and willing to deposit an amount of Rs.20,000/- to any welfare scheme run by the Government. She further stated that the petitioner is also ready to abide by any other stringent conditions that may be imposed by this Court. Hence, she prays for grant of bail to the petitioner.

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

7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of "Rehoboth - Home for mentally challenged homeless women", without prejudice to her rights and contentions before the trial Court.



Crl.O.P.No.6968 of 2023

WEB COPY

8. Merely, because the petitioner has deposited 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.

9. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.20,000/- to the credit of **"Rehoboth - Home for mentally challenged homeless women, No.22, Viswas Nagar, Koluthuvancherri, Paraniaputhur, Chennai"**, this Court is inclined to grant bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) by way of **RTGS/NEFT to the credit of "Rehoboth-Home for mentally challenged homeless women, No.22, Viswas Nagar, Koluthuvancherri, Paraniaputhur, Chennai, vide Account Rehoboth - Punjab National Bank, Moulivakkam Branch, A/c. No.05812010015060, IFSC Code : PUNB0058110, MICR Code : 600024081"**, without prejudice



Crl.O.P.No.6968 of 2023

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.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Polur**, 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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Crl.O.P.No.6968 of 2023

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

**28.03.2023**

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To

1. The Judicial Magistrate,  
Polur.
2. The Inspector of Police,  
Prohibition Enforcement Wing,  
Polur Police Station,  
Tiruvannamalai District.
3. The Special Prison for Women,  
Vellore.
4. The Public Prosecutor,  
High Court of Madras.



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Crl.O.P.No.6968 of 2023

**A.D.JAGADISH CHANDIRA.,J.**

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**Crl.O.P.No.6968 of 2023**

**28.03.2023**