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Crl.O.P.No.9045 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

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

Crl.O.P.No.9045 of 2023

1. Dharuman

2. Gowri

... Petitioners

Vs.

The State represented by,
The Sub-Inspector of Police,
Thanipadi Police Station.

(Crime No.169 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/accused on bail, in connection with the
Crime No.169 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.M.Gunasekaran

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 11.04.2023, for the offences punishable under Sections 4(1)(aaa) r/w 4(1-A)ii of Tamil Nadu Prohibition Act, in Crime No.169 of 2023, on the file of the respondent police, seek 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 were in illegal possession of 180 litres of ID arrack. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners are in custody from 11.04.2023, hence, he prayed to grant bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners were found to be in illegal possession of 180 litres of ID arrack. He further submitted that the four



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previous cases of similar nature are pending as against the first petitioner and in respect of the second petitioner, there is no previous case pending against her. However, he vehemently opposed for grant of bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners submitted that the petitioners, without prejudice to their defense and contention, is ready and willing to make a non-refundable deposit of Rs.15,000/- to any welfare scheme run by the Government. He further stated that the petitioners are ready to abide by any other stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.

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

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the previous cases pending against the first petitioner, this



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Court is not inclined to grant bail to the first petitioner. However, on considering the fact that the second petitioner has come forward to deposit an amount of Rs.15,000/- to the credit of any welfare scheme, this Court is inclined to grant bail to the second petitioner with certain conditions and merely, because the second 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. .

8. Accordingly, the criminal original petition in respect of the first petitioner stands dismissed and in respect of the second petitioner, the criminal original petition stands ordered and the second petitioner is ordered to be released on bail on condition to make a non-refundable deposit of **Rs.15,000/- (Rupees Fifteen Thousand only)** directly to the credit of **"Charu Home for Aged, Account Number : 2771201000291, IFSC Code : CNRB0002771, Canara Bank, Mahila Br., T.Nagar Chennai - 17"**, without prejudice to her rights and contentions before the trial Court, on such deposit and production of proof, the second 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**, each for a like sum to the



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satisfaction of the **learned Judicial Magistrate, Thandarampet**, 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 second petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

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

[d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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.

26.04.2023

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To

1. The Judicial Magistrate,
Thandarampet.
2. The Sub-Inspector of Police,
Thanipadi Police Station.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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