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CrI.O.P.No.9636 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

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

CrI.O.P.No.9636 of 2023

Santhi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Tiruvannamalai PEW Police Station.

(Crime No.288 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.288 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.D.Balaji

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



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CrI.O.P.No.9636 of 2023

ORDER

The petitioner, who was remanded to judicial custody through PT warrant on 21.03.2023, for the offences punishable under Sections 4(1)(aaa) r/w 4(1-A)ii of Tamil Nadu Prohibition Act and Sections 6 and 7 of Tamil Nadu Rectified Spirit Rules, 2000, in Crime No.288 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 were in illegal possession of 4375 litres of ID arrack. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and based on the confession statement given by the first accused, she has been falsely implicated in this case. He also submitted that the petitioner has been detained under Act 14 pursuant to the detention order dated 06.03.2023, subsequently, the Advisory Board has revoked the detention order passed against the petitioner by G.O.Rt.No.2067 dated 19.04.2023. He also submitted that the main accused in this case has



Crl.O.P.No.9636 of 2023

been granted bail by this Court in Crl.O.P.No.8733 of 2023 dated 21.04.2023. Hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner along with other accused was found to be in illegal possession of 4375 litres of I.D. arrack. He further submitted that the petitioner is a habitual offender having 12 previous cases of similar nature. Therefore, he vehemently 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 defense and contention, is ready and willing to make a non-refundable deposit of Rs.20,000/- to any welfare scheme run by the Government. He further stated that the petitioner is ready to abide by any other stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

6. Heard the learned Counsel for the petitioner and the learned



Crl.O.P.No.9636 of 2023

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 " Manonmani Trust", without prejudice to her rights and contentions before the trial Court.

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 the learned counsel on 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 "Manonmani Trust", 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



CrI.O.P.No.9636 of 2023

condition to make a non-refundable deposit of **Rs.20,000/- (Rupees Twenty Thousand only)** directly to the credit of "**Manonmani Trust, Account Number : 9945983362, IFSC Code : KKBK0000469, Kotak Mahindra Bank, Anna Nagar Branch**", 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.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Kalasapakkam, Tiruvannamalai**, 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



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CrI.O.P.No.9636 of 2023

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];***

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

28.04.2023

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To

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



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Crl.O.P.No.9636 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.9636 of 2023

28.04.2023