



WEB COPY



Crl.O.P.No.12740 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM

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

Crl.O.P.No.12740 of 2023

Guna @ Santhi

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
Vellore South Police Station.

(Crime No.153 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.153 of 2023, pending investigation on the file of the respondent  
Police.

For Petitioner : Mr.D.Balaji

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



CrI.O.P.No.12740 of 2023

WEB COPY

## **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 17.05.2023 for the offences punishable under Sections 4(1)(a) r/w 4(1-A) (ii) of Tamil Nadu Prohibition Act, in Crime No.153 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receipt of secret information, the respondent Police and his team went to the scene of occurrence and conducted a search, wherein, they found that the accused was in illegal possession of 20 nos. of Old chef rum bottles (each 180ml). Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case, since she has got some previous cases. He further submitted that the petitioner is in custody from 17.05.2023 and she is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.



Crl.O.P.No.12740 of 2023

WEB COPY

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was found to be in illegal possession of 20 nos. of rum bottles (each 180ml). He further submitted that the six previous cases of similar nature are pending as against the petitioner. Therefore, he opposed to grant 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 deposit an amount of Rs.25,000/- as non-refundable deposit to any welfare scheme of the Government or to any shelter home. Hence, he prays for grant of bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police 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



CrI.O.P.No.12740 of 2023

Rs.25,000/- (Rupees Twenty five thousand only) as non refundable deposit to "The Dean/Medical Officer, Government Vellore Medical College Hospital, Adukkamparai, Vellore", without prejudice to his 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 considering the period of incarceration undergone by the petitioner, 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.25,000/- (Rupees Twenty five thousand only)** by way of **RTGS/NEFT to the "The Dean/Medical Officer, Government Vellore Medical College Hospital, Adukkamparai, Vellore"**, without prejudice to her rights and contentions before the trial



CrI.O.P.No.12740 of 2023

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 No.I, Vellore District**, 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]***;



WEB COPY



Crl.O.P.No.12740 of 2023

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

*ham*

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

**20.06.2023**

*ham*

To

1. The Judicial Magistrate No.I,  
Vellore District.
2. The Inspector of Police,  
Vellore South Police Station.
3. The Special Prison for Women,  
Vellore.
4. The Public Prosecutor,  
High Court of Madras.

**Crl.O.P.No.12740 of 2023**