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CrI.O.P.No.16252 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

CORAM

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

CrI.O.P.No.16252 of 2023

Anjalai

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Sankarapuram Police Station,
Kallakurichi District.
(Crime No.312 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in Crime
No.312 of 2023, on the file of the respondent Police.

For Petitioner	:	Mr.T.Mahavishnu Mr.A.Gowtham
For Respondent	:	Mr.S.Vinoth Kumar Government Advocate



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Crl.O.P.No.16252 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.05.2023, for the offences punishable under Sections 4(1)(aa) and 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.312 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 60 litres of illicit arrack. Hence the case.

3. Learned counsel appearing for the petitioner submitted that this is the second application for bail filed by the petitioner and the earlier application for bail in Crl.O.P.No.13338 of 2023 was dismissed by this Court on 23.06.2023 on the ground that the petitioner has got 10 previous cases of similar nature. He further submitted that the petitioner is in custody from 22.05.2023 and the major part of the investigation has been completed. Hence, he prayed for grant of bail to the petitioner.



Crl.O.P.No.16252 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 60 litres of illicit arrack. He further submitted that the petitioner is a habitual offender, against whom, 10 previous cases of similar nature are pending. He further submitted that this Court taking into consideration the petitioner is a habitual offender, against whom, there are 10 previous cases of similar nature, had dismissed the earlier bail application. 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 his defence and contention, is ready and willing to deposit an amount of Rs.30,000/- to any welfare scheme. He further stated that the petitioner is also 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 Government Advocate (Crl.Side) and perused the materials available on record.



Crl.O.P.No.16252 of 2023

WEB COPY

7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of "St. Annes Home for Children", 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 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.30,000/- (Rupees Thirty Thousand only) directly to the credit of **"St. Annes Home for Children, Cruzpuram, Thoothukudi, (A/C.No.001100050304673, IFSC CODE:**



Crl.O.P.No.16252 of 2023

TMBL0000001, MICR: 627060004, Tamilnad Mercantile Bank Ltd., 56

& 57 Beach Road, Thoothukudi Main Branch, Thoothukudi - 628 001)",

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, Sankarapuram**, 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 9.00 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



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Crl.O.P.No.16252 of 2023

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.

26.07.2023

vkr

To

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



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Crl.O.P.No.16252 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.16252 of 2023

26.07.2023