



CrI.OP.No.19260 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.19260 of 2023

Kavitha

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Shoolagiri Police Station,
Krishnagiri District.
(Crime No.488 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 Cr.P.C.
praying to release the petitioner on bail pending investigation in Crime
No.488 of 2023 on the file of the respondent.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 08.08.2023 for the offence punishable under Sections 4(1)(a) r/w 4(1-A) of TNP Act and Section 285 of I.P.C, in Crime No.488 of 2023 on the file of the respondent police, seeks bail.

2.It is the submission of the learned counsel for the petitioner that petitioner is falsely implicated in Cr.No.488 of 2023 registered for the offences under Section 4(1)(a) r/w 4(1-A) of TNP Act and Section 285 of I.P.C. She is in judicial custody from 08.08.2023. Hence, he seeks bail.

3.**In response,** the learned Additional Public Prosecutor submitted that petitioner is second accused in this case. She is working in the Haryana Punjabi Dhaba, situated at Immidinaykanappalli. On 08.08.2023, at about 10.30 a.m. defacto-complainant and Police party conducted a search in the Haryana Punjabi Dhaba and found the following liquor bottles:- i) Express Brandy – 180 ml, ii)MGM Dimond Rum – 180 ml, iii)MGM No.1 Brandy – 180 ml, iv)Royal Accord – 180 ml, v)MGM Vodka – 180 ml, vi)Accord Vodka – 180 ml, vii)MC Dowells Brandy – 375 ml, viii)SNJ 10000 – 500ml, ix)10000 – 650 ml, x)Petrol – 20liters xi)Petrol – 4 liters, xii)Diesel – 200 litres xiii)Brandy



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– 500ml. The liquor bottles were sold without any permission. Petitioner has no similar case pending.

4.Considered the rival submissions and perused the records.

5.Considering the nature of the offence alleged and the fact that petitioner has no similar case pending against her and that she is in judicial custody from 08.08.2023 and that material part of investigation in this case might have been completed by this time, this Court is inclined to grant bail to the petitioner with conditions.

6. Accordingly, 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 District Munsif Cum Judicial Magistrate No.1, Hosur**, 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



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Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police morning at 10.00.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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

22.08.2023

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To

- 1.The District Munsif cum Judicial Magistrate No.1,
Hosur.
- 2.The Inspector of Police,
Shoolagiri Police Station,
Krishnagiri District.
- 3.Central Jail, Salem.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

ep/apd

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