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CrI.O.P.No.18739 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2024

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THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.18739 of 2024

Dhanalakshmi

...Petitioner/Accused

Vs.

The State rep by its
The Inspector of Police,
Sankarapuram Police Station,
Kallakurichi District.
(Crime No.344 of 2024)

...Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail in Crime No.344 of 2024 on the file of respondent police.

For Petitioner : Mr.S.Saravanakumar

For Respondent : Mr.S.Vinothkumar
Government Advocate (CrI. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.06.2024 for the offences under Sections 4(1) (aaa) and 4 (1-A) of



CrI.O.P.No.18739 of 2024

TN Prohibition Act, in Crime No.344 of 2024 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 110 litres of illicit arrack. Hence the case.

3. Learned counsel for petitioner submitted that the petitioner is innocent and she has been falsely implicated in this case. He further submitted that the petitioner is a women aged 55 years and she has taken treatment for her illness. He further submitted that the petitioner has been in incarceration for more than 30 days and the petitioner is ready abide by any stringent condition imposed by this Court. Hence, he prays of grant of bail.

4. Learned Government Advocate submitted that the petitioner was found in possession of 110 litres of illicit arrack. He further submitted that the petitioner has eight previous cases against him. Hence, he vehemently objected to grant bail to the petitioner.



CrI.O.P.No.18739 of 2024

5.I have heard the representation made by the learned counsel on both side.

6. Considering the period of incarceration undergone by the petitioner and considering that though the petitioner has eight previous cases and in some of the cases, he has obtained bail and considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his 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 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 cards or Bank pass Books to ensure their identity;

[b] the petitioner shall report before the Villupuram Town Police Station, Villupuram, everyday at 10.30 a.m., until further orders.



CrI.O.P.No.18739 of 2024

[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.

05.08.2024

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CrI.O.P.No.18739 of 2024

To

- 1.The Judicial Magistrate,
Sangarapuram.
- 2.The Central Prison,
Cuddalore.
- 3.The Inspector of Police,
Sankarapuram Police Station,
Kallakurichi District.
- 4.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.18739 of 2024

P.DHANABAL, J.

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Crl.O.P.No.18739 of 2024

05.08.2024