



WEB COPY



Crl.O.P.No.29891 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.29891 of 2024

Ayyammal

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Steel Plant Police Station,
Salem District.
(Crime No.328 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.328 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Velan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 09.11.2024, seeking bail in Crime No.328 of 2024 registered for the offence under Sections 4(1)(a), 4(1-A) of the Tamil Nadu Prohibition Act.

2. The case of the prosecution is that the accused was found to be in



Crl.O.P.No.29891 of 2024

illegal possession of 29 bottles of (each 180ml) of TASMAC liquor with an intention to sell the same to the public in higher price. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, aged about 61 years, is an innocent person and she has been falsely implicated in this case. He also submitted that the petitioner is in custody from 09.11.2024 and she is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that the petitioner was found to be in illegal possession of 29 bottles (each 180ml) of TASMAC liquor. He further submitted that three previous case of similar nature is pending against the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.



Crl.O.P.No.29891 of 2024

6. Considering the nature of allegation, period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 **Judicial Magistrate No.I, Salem**, 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



Crl.O.P.No.29891 of 2024

WEB COPY

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 269 B.N.S.

29.11.2024

ham

To

1. The Judicial Magistrate No.I,
Salem.
2. The Inspector of Police,
Steel Plant Police Station,
Salem District.
3. The Superintendent,
Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.29891 of 2024

SUNDER MOHAN., J.

ham

Crl.O.P.No.29891 of 2024

29.11.2024