



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twelfth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3800 of 2018

T.SHANTHI

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
VELAYUTHAMPALAYAM POLICE STATION,
KARUR DISTRICT.
CR.NO.56/2018.

... RESPONDENT / COMPLAINANT

For Petitioner :M/S.R.MATHIYALAGAN Advocate

For Respondent :MR.K.SUYAMBULINGA BHARATHI Govt. Advocate (Crl.Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 27.02.2018 for the alleged offences punishable under Sections 4(1)(a) r/w. 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.56 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 27.02.2018, based on the confession given by the husband of the petitioner, who was arrested by the respondent police on 22.02.2018 for the same offence, the respondent police went to search and found that the petitioner is in possession of 12 IMFL liquor bottles in her house. Hence, the case has been registered against the petitioner for the above said crime.

3. The learned counsel representing the petitioner submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the contraband, which was possessed by the petitioner was recovered. According to the prosecution, the investigation is in progress.



occurrence, the petitioner is found in possession of 12 bottles of Indian Made Foreign Liquor, which is salable in the TASMAL Shop at Tamilnadu. Now, the petitioner is in judicial custody from 27.02.2018. As of now, the contraband, which was possessed by the petitioner is recovered. Thereby, further custodial interrogation may not be necessary for completing the investigation. Hence, this Court is inclined to grant bail to the petitioner with some conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

- (i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Karur;
- (ii) the petitioner shall report before the respondent police, daily at 10.00 a.m., for a period of three weeks;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioner shall not commit any offence while on bail;
- (v) the petitioner shall not abscond either during investigation or trial;
- (vi) on breach of any of the aforesaid conditions, the bail granted to the petitioner shall stand automatically cancelled and 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 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].

sd/-
12/03/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, KARUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
 - 3 THE SUPERINTENDENT, SPECIAL PRISON FOR WOMEN, TRICHY.
 - 4 THE INSPECTOR OF POLICE,
VELAYUTHAMPALAYAM POLICE STATION, KARUR DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADRURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.R.MATHIYALAGAN Advocate SR.No.3902

ORDER IN
CRL OP(MD) No.3800 of 2018
Date :12/03/2018