

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.07.2020

CORAM :

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

Crl.O.P.No.10586 of 2020

Alamelu

... Petitioner

Vs.

State rep. by
The Sub Inspector of Police
Gudiyatham Town Police Station
Vellore District
(Crime No.1011 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1011 of 2020 pending on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 30.05.2020 for the offences punishable under Section 4(1) (a) 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.1011 of 2020, seeks bail.

2. The case of the prosecution is that the petitioner was illegally found in possession of 30 litres of I.D. Arrack. The same was seized by the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. On instruction, he would further submit that without prejudice to his defence, the petitioner is prepared to deposit some considerable amount to any charitable organization, and that the petitioner has been suffering incarceration from 30.05.2020. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner was found illegally in possession of 30 litres of I.D Arrack. He would further submit that there are 10 previous cases out of which, in 5 cases she has been convicted.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels and the fact that the petitioner is suffering incarceration from 30.05.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition **to make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) to the Dean, Government Medical College Hospital, Adukamparai, Vellore District,** on such deposit and production of proof and also on executing her own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each,** before the learned Judicial Magistrate, Gudiyatham, **within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier,** failing which the bail granted by this Court shall stand dismissed automatically;

(c) Merely, because the petitioner deposits 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.

(d) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(e) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of one week and thereafter as and when required for interrogation.

(f) the petitioner shall not commit any offences of similar nature;

(g) the petitioner shall not abscond either during investigation or trial;

(h) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(i) on breach of any of the aforesaid conditions, the learned Judicial 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];

(j) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

16/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE
GUDIYATHAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
GUDIYATHAM TOWN POLICE STATION,
VELLORE DISTRICT.

5 THE SUPERINTENDENT
SPECIAL PRISON FOR WOMEN
VELLORE

6 THE DEAN, GOVERNMENT MEDICAL COLLEGE
HOSPITAL, ADUKAMPARAI, VELLORE DISTRICT.

CC to M/S. R.THULASI Advocate on payment of necessary charges

CRL OP.10586/2020

Date :16/07/2020

TA-14/08/2020