

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 15414 of 2020

Dhanalakshmi

... Petitioner/6th Accused

Vs.

The State represented by,
The Inspector of Police,
PEW - Tindivanam,
Villupuram District.
Crime No. 299 of 2020

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 299 of 2020, on the file of the respondent police.

For Petitioner : Mr.G.Mohammed Aseef

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

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 20.08.2020 for the offences punishable under Sections 420, 468, 471 of IPC r/w Sections 4(1-A), 4(1)(aaa) of TN Prohibition Act and 6 & 7 of TN Rectified Sprit Rules 2000, in Crime No. 299 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution is that when the respondent police on their routine patrol, they found that the petitioner along with other accused was illegally in possession of 1440 numbers of duplicate liquor bottles each containing 180 ml., 550 numbers of empty liquor bottles and 120 bottle cap and bottle cap machine-1, three 100 Litres empty can, three numbers of 35 Litres empty can and 80 litres of Rectified spiril and 30 litres of ID Arrack.

3 The learned counsel appearing for the petitioner would submit that this is the second application for bail and that earlier application filed by the petitioner in Crl.O.P.No.13916 of 2020 was dismissed by this Court on 09.09.2020. He would submit that the petitioner was alleged to be found in huge quantities of duplicate

liquor bottles, a bottle cap machine and other holograms. He would further submit that the petitioner has got five previous cases and she is arrayed as sixth accused in this case. He would submit that except this petitioner, other accused persons have been detained under Act 14, 1982. He would further submit that the petitioner is a chronic diabetic patient and she was referred from jail to the Government Hospital for taking treatment and she was taking treatment as in-patient. He would submit that she has been discharged from the hospital very recently and that she has been send back to jail. He would submit that considering the age and health condition of the petitioner, some lenience may be shown to the petitioner.

4 The learned Government Advocate (Crl. Side) would vehemently oppose stating that the petitioner was very recently arrested on 20.08.2020 having illegally found in possession of duplicate 1440 liquor bottles each containing 180 ml., 550 numbers of empty liquor bottles and 120 bottle cap and bottle cap machine-1, three 100 Litres empty can, three numbers of 35 Litres empty can and 80 litres of Rectified spiril and 30 litres of ID Arrack. He would further submit that the petitioner has got five previous cases. He would further submit that as per the submissions made by the learned Public Prosecutor before the Lower Court, the petitioner is regularly taking treatment in the Government Hospital. He would submit that it is true that the petitioner was admitted in the Government Hospital and she has been now sent back to jail and she is now taking treatment in the jail hospital. Hence, he opposed to grant bail to the petitioner.

5 At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner is prepared to abide by any stringent condition that may be imposed on him by this Court and that the petitioner is prepared to stay elsewhere. Hence, he prays to grant bail to the petitioner.

6 Taking into consideration the facts and submissions made by the learned counsel and considering the health condition of the petitioner and also considering the fact that the petitioner is in jail from 20.08.2020, 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 execute 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.II, Tindivanam and on further conditions that:

(b) 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;

(c) the petitioner shall stay at Vellore and report before Sathuvachari Police Station everyday at 10.30 a.m., until further orders and the petitioner shall not enter into the jurisdictional limits of the respondent police.

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

(e) the petitioner shall not abscond during trial;

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

(g) 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];

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

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

-sd/-
06/10/2020

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,
NO.II, TINDIVANAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE OFFICER INCHARGE
WOMEN SUB-JAIL, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
PEW-TINDIVANAM,
VILLUPURAM DISTRICT.

6 THE OFFICER INCHARGE
SATHUVACHARI POLICE STATION,
VELLORE.

+1 CC to M/S.G.MOHAMMED ASEEF Advocate on payment of necessary
charges SR.No.6670

cs 07/10/2020

CRL OP.15414/2020

Date :06/10/2020



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