

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.09.2020

CORAM :

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

CRL.O.P.No.15285 of 2020

MARIYA

... Petitioner

Vs.

State by
Inspector of Police
Gudiyatham Taluk Police Station
Vellore District
(Crime No.858 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.858 of 2020 pending on the file of the Respondent Police.

For Petitioner : Mr.G.Vinodhkumar

For Respondent : Ms.S.Thankira
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 14.08.2020 for the offences punishable under Sections 4(1)(a), 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.858 of 2020, seeks bail.

2.The case of the prosecution is that the petitioner is found in possession of 10 litres of ID arrack without any valid licence or permission and arrested for the same. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case for statistical purpose. He would further submit that this is the second bail application and this Court had earlier dismissed her bail application vide order dated 03.09.2020 in Crl.O.P.No13633 of 2020 on the ground that there are nine previous cases pending against the petitioner. He would further submit that the petitioner is aged about 61 years and is in custody for more than 45 days and the petitioner is prepared to abide by any stringent conditions that to be imposed on her by this Court and also is prepared to make considerable donation to

any charitable Organization or Association, and that the petitioner has been suffering incarceration from 14.08.2020.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner is a habitual offender and there are nine previous cases pending against the petitioner, out of which, two were registered by the Gudiyatham Taluk Police Station and the other seven were registered by the Gudiyatham PEW.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels and also the fact the petitioner is in custody from 14.08.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a)The petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) as non-refundable deposit through RTGS/NEFT to the **"Chief Minister's Public Relief Fund, Indian Overseas Bank, Secretariat Branch, Chennai SB.A/c. No.117201000000070, IFSC Code. No.IOBA0001172,** and on such payment and production of proof, she shall be released on bail on further condition to execute a bond for a sum of Rs.10,000/- (Ten Thousand only) with two sureties each for a likesum sum to the satisfaction of the the learned Judicial Magistrate, Gudiyatham, 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) Merely, because the petitioner deposit 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 petitioner on her release from prison shall report before the responent police daily at 10.30 a.m., until further orders;

(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;

1. 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

(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/-
29/09/2020

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 SUPERINTENDENT,
CENTRAL PRISON,
SPECIAL PRISON FOR WOMEN,
VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GUDIYATHAM TALUK POLICE STATION,
VELLORE DISTRICT.

5 THE "CHIEF MINISTERS PUBLIC RELIEF FUND,
INDIAN OVERSEAS BANK, SECRETARIAT BRANCH,
CHENNAI SB.A/C. NO.117201000000070,
IFSC CODE. NO.IOBA0001172

CC to M/S.G.VINODHKUMAR Advocate on payment of necessary charges

CRL OP.15285/2020

Date :29/09/2020

MK:01/10/2020