

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM :

THE HON'BLE Mr.JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.8803 of 2021

Maheswari

.. Petitioner

Vs.

State Rep. by Inspector of Police
Namakkal Police Station
Namakkal District.

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with the Crime No.609 of 2021 pending on the file of the respondent police.

For Petitioner : Mrs.N.Revathi

For Respondent : Mr.Charles Premkumar
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

2. The petitioner was arrested and remanded to judicial custody on 20.04.2021 for the alleged offences under Section 4(1)(a) and 4(1-A) of TNP Act in Crime No.609 of 2021. She seeks bail.

3. The case of the prosecution is that the petitioner was found in possession of 45 brandy bottles. It appears that the petitioner is having three previous cases of same nature.

4. Though the learned Government Advocate (Criminal Side) would seek time by stating that he is not having instructions, the facts are evident from mere perusal of the order passed by the Principal Sessions Judge, Namakkal. This Court is of the view that the continued incarceration of the petitioner is not necessary. Hence, bail is granted 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.I, Namakkal 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 not commit any offences of similar nature;

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

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

(f) 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];

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

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

-sd/-

06/05/2021

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

TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, NAMAKKAL

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 INSPECTOR OF POLICE,
NAMAKKAL POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE PRINCIPAL SESSIONS JUDGE,
NAMAKKAL

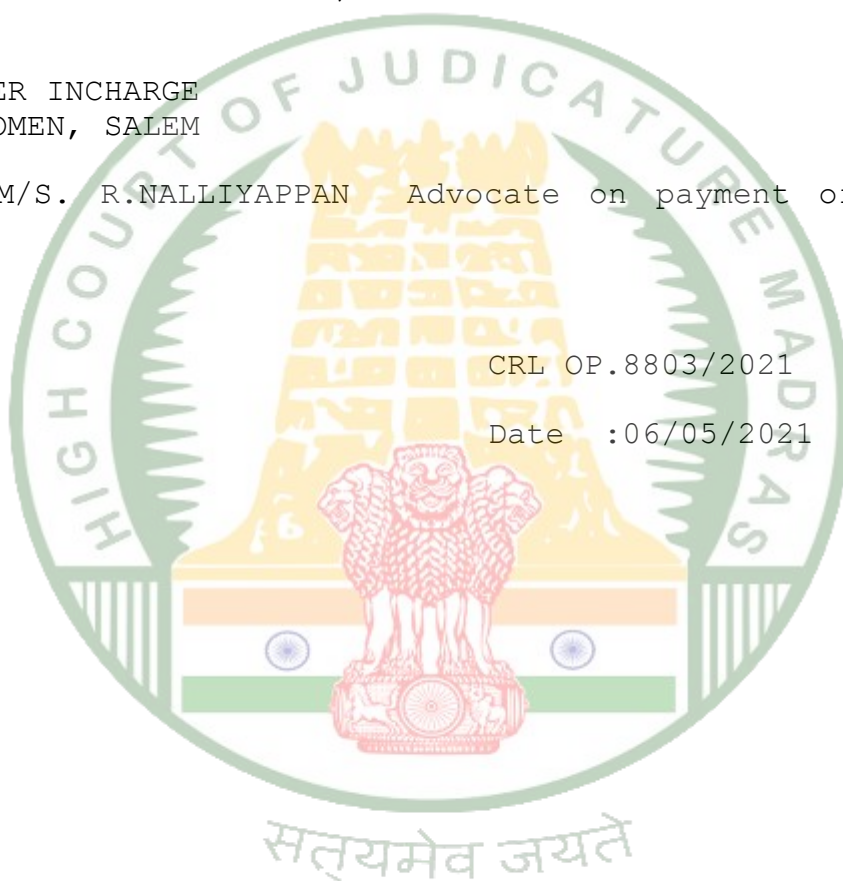
6 THE OFFICER INCHARGE
SUB JAIL FOR WOMEN, SALEM

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

CRL OP.8803/2021

Date :06/05/2021

RVR 18/06/2021



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