



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.17791 of 2021

Mageswari

... Petitioner

Vs.

The Inspector of Police,
Vaniyambadi Taluk Police Station,
Tirupathur District.
(Crime No.189 of 2017)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioner pending investigation in PRC No.15 of 2021 on the file of the Judicial Magistrate Vaniyambadi in Crime No.189 of 2017 on the file of the respondent police.

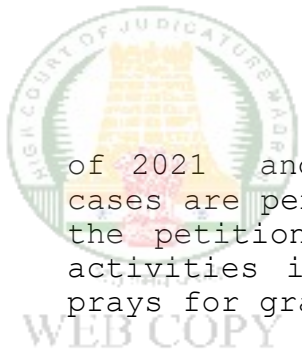
For Petitioner : Mr.D.Balaji

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

The petitioner who was arrested and remanded to judicial custody on 05.05.2021 for the offences under Sections 4(1)(aaa), 4(1-A)(ii) TNP Act r/w 6 & 7 TNRS Rules Act 2000, in PRC No.15 of 2021 on the file of the Judicial Magistrate, Vaniyambadi in Crime No.189 of 2017 on the file of the respondent police.

2. This is the second bail application filed before this Court. The case of the prosecution is that the petitioner was found in illegal possession of I.D,Arrack of 80 cans each containing 35 litres. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is not involved in the offence and she has been falsely implicated. He further submits that she is in jail from 05.05.2021. He further submitted that th petitioner being a lady and she was detained under Goondas Act and the said order of detention was set aside by the Advisory Board. He further submitted that on earlier occasion, the petitioner filed bail petition before this Court in Crl.O.P.No.15362



of 2021 and the same was dismissed on the ground that 24 previous cases are pending as against the petitioner. He further submitted that the petitioner undertakes that he will not indulge in any illegal activities in future and she will maintain a decent life. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the investigation has been completed and the charge sheet has also been filed. He further submitted that there are 24 previous cases pending as against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the fact that the petitioner was detained under Goondas Act and the same was set aside by the Advisory Board and considering the period of incarceration suffered by the petitioner and also the undertaking of the petitioner that she will not indulge in any illegal activity in future, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on her executing 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, Vaniyambadi, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

© the petitioner shall not commit any offence in future, and if any offence is committed, bail granted by this Court shall stand automatically cancelled.

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

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

(f) on breach of any of the aforesaid conditions, 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 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]; and;



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

WEB COPY

-sd/-

24/09/2021

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,
VANIYAMBADI

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
VANIYAMBADI TALUK POLICE STATION,
TIRUPATHUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN, VELLORE

CC to M/S.D.BALAJI Advocate on payment of necessary charges

CRL OP.17791/2021

Date :24/09/2021

APN 27/09/2021