



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.22044 of 2021

Malar @ Malarkodi

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Jayakondam Police Station,
Ariyalur District.
Crime No.836 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.836 of 2021 pending investigation on the file of the respondent Police.

For petitioner : Mr.P.Parthikannan

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 01.10.2021 for the offence under Sections 4(1)(a) r/w (1-A) of Tamil Nadu Prohibition Act, in Crime No.836 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 01.10.2021, the petitioner had illegally possessed illicit arrack 180 ml brandy bottles of 84 nos. and 24 Jet brandy bottles for sale. Hence the complaint



3. The learned Counsel for the petitioner submitted that the petitioner is aged about 68 years and she has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration for more than 50 days from 01.10.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate raised objection stating that the petitioner is having 5 previous cases and in all that cases, the petitioner has admitted the offences.

5. Considering the age of the petitioner and the fact that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, 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-I, Jayankondam, and on further conditions 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 appear before the learned Judicial Magistrate-I, Jayankondam on every Wednesday at 10.30 a.m. until further orders.

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

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

(e) 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;



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

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-sd/-
23/11/2021

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,
NO.I, JAYANKONDAM.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
JAYAKONDAM POLICE STATION,
ARIYALUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. P.PARTHIKANNAN Advocate on payment of necessary charges SR.NO.13313

CRL OP.22044/2021

Date :23/11/2021

JPA 23/11/2021