



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 19/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.543 of 2021

Kalaiyarasi

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
Crime No.1345 of 2020.

... Respondent/Complainant

For Petitioner : Mr.G.D.Manikandan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.1345 of 2020 on the file of the Respondent Police.

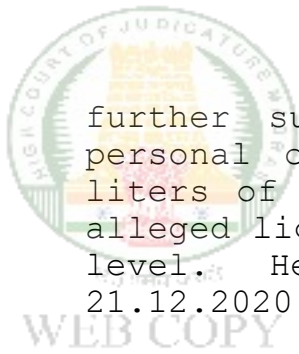
ORDER : The Court made the following order :-

The petitioner/Sole accused, who was arrested and remanded to judicial custody on 21.12.2020 for the offences punishable under Sections 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition (Transport) Act, in Crime No.1345 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 25 IMFL Brandy bottles (each contains 180 ml). Hence, a complaint has been registered

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

4.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. He



further submitted that as per Tamilnadu liquor (possession for personal consumption) Rules, 1996, an individual can possess 4.5 liters of IMFL for his own consumption. As per the said rule, the alleged liquor seized from the petitioner comes within the permitted level. He further submitted that the petitioner was arrested on 21.12.2020 and she is still in custody. Hence, he seeks bail.

5.The learned Government Advocate(Crl.Side) appearing for the respondent Police submitted that there are two previous cases are pending against the petitioner. Hence, he opposed to grant bail to the petitioner.

6.Taking note of the above facts and circumstances of the case also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.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) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Pattukottai.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent Police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)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].

vi) If the accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
19/01/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE, PATTUKOTTAI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
PERAVURANI POLICE STATION,
THANJAVUR DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, TRICHY.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.543 of 2021
Date :19/01/2021

VSG
TK/PN/SAR.2/19.01.2021/3P/6C