



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 11.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Cr1.OP.No.10995/2022

C.Vembu

... Petitioner /
Sole Accused

Vs

State represented by,
The Inspector of Police
Thirukuvalai Police Station
Nagapattinam District.

... Respondent

Prayer:- Petition filed under Section 439 of Cr.P.C., to enlarge the petitioner on bail in Crime No.34 of 2022 pending on the file of the respondent.

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondent : Mr.L.Baskaran
Government Advocate
[Cr1.Side]

ORDER

- (1)The petitioner, sole accused, who was arrested on 21.03.2022 for the alleged offences punishable under Sections 4[1][i], 4[1][aaa] r/w 4[1-A] of the Tamil Nadu Prohibition Act in Crime No.34 of 2022 on the file of the respondent police, seeks bail.
- (2)The case of the prosecution is that the petitioner was found in possession of 110 litres of illicit Pondicherry liquor, resulting in the registration of the case.
- (3)The learned counsel for the petitioner would submit that the petitioner is an innocent person and she is no way connected with the case. He would further submit that the petitioner has got one previous case and that she is under incarceration for a period of 51 days.



(4) The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner was found in possession of 110 litres of illicit liquor. It is his further submission that the entire contraband was seized and that the investigation is pending. He would also submit that the petitioner has got 8 previous cases and that the proposal to detain the petitioner under the Goondas Act as a 'Bootlegger' is also pending.

(5) However, the learned counsel for the petitioner would submit that out of 8 previous cases, 7 cases were disposed of and prays for enlargement of the petitioner on bail.

(6) Taking into consideration the facts and circumstances of the case and also taking note of the fact that investigation is pending and that the entire contraband was seized and also taking into consideration the period of incarceration and further that though the petitioner is involved in 8 previous cases, on perusal of records, it is seen that 7 cases were disposed of, this Court is inclined to grant bail to the petitioner.

(7) Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Nagapattinam 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 once in a week at 10.30 am., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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-sd/-

11/05/2022

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.II, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
DISTRICT WOMEN PRISON,
NAGAPATTINAM.

4 THE INSPECTOR OF POLICE,
THIRUKUVALAI POLICE STATION,
NAGAPATTINAM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.P.MUTHAMIZHSELVAKUMAR Advocate on payment of necessary charges

CRL OP.10995/2022

Date :11/05/2022

RW 12/05/2022