



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fourth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice C.V. KARTHIKEYAN

CRIMINAL ORIGINAL PETITION No.13925 of 2022

MARIYAMMAL

[PETITIONER /ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
KILVELUR POLICE STATION,
NAGAPATTINAM.
CRIME NO.214 OF 2022.

[RESPONDENT]

For Petitioner : M/S.U.KATHIRAVAN, Advocate

For Respondent : MR.V.MEGHANATHAN, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The second bail application is filed by the petitioner, who had been remanded to judicial custody on 13.05.2022 for the alleged offences punishable under Sections 4(1)(aaa) read with 4(1-A) of TNP Act, in Crime No.214 of 2022, registered by the respondent police.

2.The case of the prosecution is that the petitioner was found transporting 110 litres of illicit arrack. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offences as alleged by the prosecution and a false case has been foisted against the petitioner. He would further submit that the petitioner is in judicial custody from 13.05.2022. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Criminal Side) states that earlier the petitioner had 63 cases against her, out of which, 47 have been completed and 16 cases are still in progress. Hence, he vehemently opposed for the grant of bail to the petitioner.



5. Taking into consideration of the fact that though it appears that habitual offences are committed by the petitioner herein there also seems to be a possibility that the petitioner is a victim of circumstances and also the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on executing a separate bonds 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, Nagapattinam 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 report before the respondent police daily 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 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 Judicial 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.

-sd/-

24/06/2022

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.I, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
KILVELUR POLICE STATION,
NAGAPATTINAM.

5 THE OFFICER INCHARGE
WOMEN PRISON, THIRUVARUR.

+1 CC to M/S.U.KATHIRAVAN, Advocate on payment of necessary
charges SR.NO.9953

CRL OP.13925/2022

Date :24/06/2022

TA-24/06/2022