



WEB COPY



Crl.O.P.No.16821 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.07.2022

CORAM :

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

Crl.O.P.No.16821 of 2022

Sivakami,
W/o. Kaliyamoorthy (late)

... Petitioner

Vs.

The State rep. by
Inspector of Police,
Thalaivasal Police Station,
Salem.
(Crime No.507 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.507 of 2021 on the file of respondent police.

For Petitioner : Mr.D.Balaji

For Respondent : Mr.S.Balaji,
Govt. Advocate (Crl.Side.)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.12.2021 for the alleged offence under Sections 4(1)(i),



Crl.O.P.No.16821 of 2022

4(1)(aaa), 4(1-A) TNP Act in Crime No.507 of 2021 on the file of the
respondent police, seeks bail.

2. The case of prosecution is that on 03.12.2021, the petitioner was found in illegal possession of 107 litres of ID Arrack. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that this is the third petition praying for bail and she is in jail for more than seven months. He would also submit that she has been falsely implicated in this case and she will abide by any condition imposed by this court. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that there are 18 previous cases are pending against the petitioner and the same are not relating to prohibition offence. He would also submit that she was in custody for more than seven months and in other cases, she has availed bail. However, he would vehemently opposed to grant bail to the petitioner.



CrI.O.P.No.16821 of 2022

WEB COPY

5. Considering the facts and circumstances, and also the fact that investigation was completed, and the petitioner had already suffered incarceration for nearly seven months, this Court is inclined to enlarge the petitioner on bail.

6. Accordingly, the petitioner is ordered to be released on bail on condition that **the petitioner shall deposit a sum of Rs.10,000/- (Rupees ten thousand only)** as non refundable deposit to the credit of the **Tamil Nadu Advocate Clerks' Association, Chennai** and he shall execute 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 No.1, Attur, Salem 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 every Wednesday and Saturday at 10.30 a.m. until further orders;**

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



Crl.O.P.No.16821 of 2022

[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]**.

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

20.07.2022

rpp

To

1. The Judicial Magistrate No.1
Attur, Salem Dt.
2. The Superintendent of Prison,
Special Prison for Women,
Coimbatore.
3. Inspector of Police,
Thalaivasal Police Station,
Salem.
4. The Public Prosecutor,
High Court of Madras, Chennai.



WEB COPY



Crl.O.P.No.16821 of 2022

T.V. THAMILSELVI, J.

rpp

Crl.O.P.No.16821 of 2022

20.07.2022