



Crl.O.P.No.27152 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.27152 of 2022

Sumathi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
B-7, Vellavedu Police Station,
Tiruvallore District.

(Crime No.390 of 2022)

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.390 of 2022 pending on
the file of the respondent.

For Petitioner : Mr.M.Prabakar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



WEB COPY



Crl.O.P.No.27152 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.09.2022, for the offences punishable under Sections 4(1)(a), 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.390 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 24.09.2022, when the respondent police and his team were on their routine patrol duty, they found that the petitioner along with the other accused were in illegal possession of 20 bottles of illicit liquor, each containing 180ml. Hence the case.

3. The contention of the learned counsel appearing for the petitioner is that the petitioner has been falsely implicated in this case, since there are several cases pending against her. He would further submit that the petitioner is in prison from 24.09.2022. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the



Crl.O.P.No.27152 of 2022

respondent would submit that this is the second bail application before this Court and in this case, the petitioner along with the other accused were found in illegal possession of 20 bottles of illicit liquor, each containing 180ml. He would further submit that several previous cases are pending as against the petitioner. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain 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)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate II, Poonamallee**, and on further conditions that:



WEB COPY



CrI.O.P.No.27152 of 2022

[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 as and when required for interrogation.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

08.11.2022

ham



Crl.O.P.No.27152 of 2022

WEB COPY

To

1. The Judicial Magistrate II, Poonamallee.
2. The Inspector of Police,
B-7, Vellavedu Police Station,
Tiruvallore District.
3. The Central Prison (Women Cell),
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.27152 of 2022

M.NIRMAL KUMAR, J.

ham

Crl.O.P.No.27152 of 2022

08.11.2022