

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/10/2022
PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18142 of 2022

Mala ... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Thiruneelakudi Police Station,
Thanjavur District.
(Crime No.680/2022).

... Respondent/Complainant

For Petitioner : M/s.Karunakaran K M, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in crime No.680/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 13.09.2022 for the offences punishable under Sections 4 (1)(a) and 4(1-A) of Tamil Nadu Prohibition Act in crime No.680 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 49 litres of Pondicherry arrack. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. He would further submit that A2 was already arrested and released on bail by the Principal Sessions Judge, Thanjavur in Cr.M.P.No.4916 of 2022, dated 27.09.2022. The petitioner is in judicial custody from 13.09.2022, hence she may be released on bail.

4.The learned Government Advocate (Crl. side) strongly opposed this petition stating that the petitioner and other accused were found in illegal possession of 49 litres of Pondicherry arrack and she is having nine previous cases for similar offence.

5.Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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, Thiruvidadaimaruthur.

(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., until further orders;

(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].

sd/-

12/10/2022

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12/10/2022

Sub-Assistant Registrar (C.S.)

Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE, THIRUVIDAIMARUTHUR.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE SUPERINTENDENT, SPECIAL PRISON FOR WOMEN, TRICHY.

4 THE INSPECTOR OF POLICE, THIRUNEELAKUDI POLICE STATION,
THANJAVUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate(SR-11223[I] dated 12/10/2022)

ORDER IN

CRL OP(MD) No.18142 of 2022

Date :12/10/2022

SJI

RS/SBN/SAR. (12.10.2022) 2P-7C