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Crl.O.P.No.6399 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.6399 of 2023

Sathya

... Petitioner

Vs.

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

(Crime No.73 of 2023).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleased to enlarge the petitioner on bail, in connection with the Crime No.73  
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.U.Kathiravan

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



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## **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 02.02.2023, for the offences punishable under Sections 4(1)(aaa) r/w 4(1-A) of TNP Act, in Crime No.73 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 02.02.2023, when the respondent Police and his team were on their routine patrol duty, they found that the accused was in illegal possession of 110 litres of illicit pondy arrack. Hence the case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this Case, since she has got some previous cases. He would further submit that the petitioner's husband is ill and he is now been admitted in the Nagapattinam Government Hospital and there is no one to take care of him. Hence, he prayed to grant bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner was found in illegal possession of 110 litres of illicit pony arrack. He would further submit that the petitioner is a habitual offender and there are 43 previous cases against the petitioner out of which, 18 cases are still pending. Hence, he vehemently opposed to grant 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. Though it is stated that 18 cases are pending against the petitioner, considering the facts and circumstances of present case that the petitioner's husband is admitted in the hospital and he is terminally ill, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.20,000/- (Rupees Twenty thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate II, 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 stay at Nagapattinam and report before the Nagapattinam Town Police Station, everyday at 11.00 a.m., 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



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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.

**21.03.2023**

*jas*

To

1. The Judicial Magistrate-II, Nagapattinam.
2. The Inspector of Police,  
Kilvelur Police Station,  
Nagapattinam District.
3. The Inspector of Police/Station House Officer  
Nagapattinam Town Police Station  
Nagapattinam
4. The Women Prison,  
Thiruvarur
5. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA.,J.**

*jas*

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