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Crl.O.P.No.8329 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM

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

Crl.O.P.No.8329 of 2023

Kamala

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thirupalapanthal Police Station,
Kallakurichi District.

(Crime No.65 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.65 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.S.Kumaresan

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



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Crl.O.P.No.8329 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.03.2023, for the offences punishable under Sections 4(1)(A), 4(1)(a) of Tamil Nadu Prohibition Act, in Crime No.65 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent and his team were on their regular patrol duty, they found that the accused was in illegal possession of 5 litres of illicit arrack and 96 Brandy bottles named Allways. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, aged about 73 years and she has been falsely implicated in this case. He also submitted that the petitioner is in custody from 19.03.2023 and she is ready to abide by any other stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



Crl.O.P.No.8329 of 2023

WEB COPY

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was found to be in illegal possession of 5 litres of illicit arrack and 96 Brandy bottles named Allways. He further submitted that one previous case of similar nature is pending as against the petitioner. Therefore, 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 and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the age of the petitioner and the period of incarceration undergone by her, 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)**



Crl.O.P.No.8329 of 2023

with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Thirukovilur**, 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, everyday at 10.30 a.m. for a period of two weeks and thereafter, on every Saturday at 10.30 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 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]*;



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CrI.O.P.No.8329 of 2023

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

19.04.2023

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To

1. The Judicial Magistrate,
Thirukovilur.
2. The Inspector of Police,
Thirupalanthal Police Station,
Kallakurichi District.
3. The District Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.8329 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.8329 of 2023

19.4.2023