



Crl.OP.No.11853 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.11853 of 2023

Jaya

W/o.Kumaresan

... Petitioner

Vs.

The State Represented by
Inspector of Police
Kilpennathur Police Station
Thiruvannamalai District
Crime No.248/2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in Crime No.248 of 2023 on the file
of the Respondent.

For Petitioner : Mr.R.Balakrishnan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 16.05.2023 for the offences punishable under Sections 4(1)(aa) read with Section 4(1-A) ii of Tamilnadu Prohibition Act, in Crime No.248 of 2023 on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution is that on 16.05.2023, the petitioner was found in possession of 55 litres of Illicit Arrack. Hence, the case.

3. The learned Counsel appearing for the Petitioner would submit that the Petitioner is an innocent person and she has been falsely implicated in this case. He would submit that the Petitioner is in judicial custody from 16.05.2023. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the Respondent vehemently opposed for grant of bail to the petitioner stating that there are two previous cases pending against the Petitioner.



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5. Heard the learned counsel for the Petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the First Information Report.

6. Considering the above facts and circumstances and also considering the period of incarceration suffered 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 No.II, Thiruvannamalai, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;



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(b) the petitioner shall report before the respondent Police everyday at 10.30 a.m., until further orders;

(c) the petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;



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(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

24.05.2023

jas/sma

To

1. The learned Judicial Magistrate No.II,
Thiruvannamalai.
- 2.The Inspector of Police
Kilpennathur Police Station
Thiruvannamalai District.
3. The Special Prison for Women,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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SATHI KUMAR SUKUMARA KURUP,J.

jas/sma

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