



Crl.O.P.No.18811 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.18811 of 2023

Vanitha

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Arakandanallur Police Station,
Arakandanallur,
Villupuram District.
(Crime No.324 of 2023).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in connection with Crime No.324 of 2023 on the file of respondent herein.

For Petitioner : Mr.N.Baaskaran

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.06.2023 for the offence punishable under Sections 4(1-A), 4(1)(a) of Tamil Nadu Prohibition Act in Crime No.324 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as an accused in Crime No.324 of 2023 for the offences punishable under Sections Sections 4(1-A), 4(1)(a) of Tamil Nadu Prohibition Act. Petitioner is innocent. Petitioner is in judicial custody from 20.06.2023. The earlier bail petition filed by the petitioner was dismissed by this Court on 24.07.2023, for the reason that, petitioner has 10 similar previous cases pending against her. It is now represented by the learned counsel for the petitioner that, petitioner is a widowed woman and she has three minor children to take care of. Therefore, he prays for grant of bail to the petitioner.



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3. Learned Additional Public Prosecutor, opposed this petition, on the ground, petitioner was found with possession of 15 litres of illicit arrack on 20.06.2023, at about 07.00 hours, in the backyard of her house at Veerapandi Village. She has 10 previous cases of similar nature. Thus, he prays for dismissal of this petition.

4. Considering the aspect that, petitioner is a widowed woman and she has three minor children to take care of and that petitioner is in judicial custody from 20.06.2023 and that substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner with conditions and the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five Thousand only) with **two sureties**, each 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.



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[b] the petitioner shall report before the respondent police as and when required for further 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 absconds, a fresh FIR can be registered under Section 229A IPC.

16.08.2023

gd/gvn



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To

- 1.The Judicial Magistrate,
Thirukovilur.
- 2.The Inspector of Police,
Arakandanallur Police Station,
Arakandanallur,
Villupuram District.
- 3.Women Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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