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CrI.OP.No.22960 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.OP.No.22960 of 2023

Radha

...Petitioner

Vs.

State represented by its
Inspector of Police,
Polur Police Station.
(Crime No.405 of 2023)
...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to grant bail to the petitioner pending investigation in Crime
No.405 of 2023 on the file of the respondent police.

For Petitioner : Mr.D.Balaji

For Respondent : Mr.R. Kishore Kumar
Government Advocate (Criminal Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.09.2023 for the offence punishable under Sections 4(1)(aaa) r/w 4(1-A)ii TNP Act in Crime No.405 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 110 litres of ID Arrack. Hence, the case was registered against the petitioner.

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 further submitted that the petitioner is in woman. Hence, he seeks for grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that there are 6 previous case against the petitioner. Hence, he opposed for grant of bail to the petitioner.

5.Considering the above facts and circumstances of the case and taking into consideration that the petitioner is a woman, this Court is inclined to grant bail to the petitioner subject to the following conditions.



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6. Accordingly, the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) by way of demand draft within a period of two weeks directly to the Dean, Government Medical College and Hospital, Thiruvannamalai, and on such deposit 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, Polur, Thiruvannamalai District, 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 pay a sum of Rs.10,000/- (Rupees Ten Thousand only) directly to the Dean, Government Medical College and Hospital, Thiruvannamalai, to enable the Dean to use the aforesaid amount for the purpose of treating the inmates and the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;



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[b] the petitioner shall report before the respondent police daily 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].

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

05.10.2023

Smv



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To

- 1.Judicial Magistrate, Polur,
Thiruvannamalai District.
- 2.Special Prison for Women, Vellore.
- 3.The Public Prosecutor,
High Court of Madras

C.V.KARTHIKEYAN. J.



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