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Crl.O.P.No.28418 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

CORAM

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

Crl.OP.No.28418 of 2023

Parvathi

...Petitioner

Vs.

State rep.by its
The Inspector of Police,
Omerabad Police Station,
Thirupathur District,
(Crime No.438 of 2023)

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in FIR in Crime No.438 of 2023 on the file of the respondent police.

For Petitioner : Mr.D.Dayalan

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

ORDER

The petitioner in Crime No.438 of 2023 registered by the respondent Police for the offences under Sections 4 (1)(a), 4(1-A) (ii) of Tamil Nadu Prohibition Act, 1937 seeks bail.



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2.The petitioner had been remanded to judicial custody on 05.12.2023 with possession of 6 litres of illicit arrack. It is stated that there are 13 previous cases, in which, the petitioner had paid fine.

3.Taking into consideration that the petitioner is a woman and a Senior Citizen and all other surrounding factors, this Court is inclined to grant bail to the petitioner subject to the following conditions.

4.Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 **Judicial Magistrate at Ambur** 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, daily at 10.00 a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.



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[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.

sli

21.12.2023

To

1. The Judicial Magistrate, Ambur.
- 2.The Inspector of Police,
Omerabad Police Station,
Thirupathur District,
(Crime No.438 of 2023)
- 3.Special Prison for Women, Vellore.
- 4.The Public Prosecutor, Madras High Court.



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C.V.KARTHIKEYAN, J.

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