



CrI.O.P.No.5686 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

CORAM

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

CrI.O.P.No.5686 of 2024

Santhi

...Petitioner

Vs.

State represented by
The Inspector of Police,
PEW Polur,
Tiruvannamalai District.
Crime No.91 of 2024

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.91 of 2024 on the file of the respondent Police.

For petitioner : Mr.D.Balaji
For Respondent : Mr.L.Baskaran
Government Advocate (crl.side)

ORDER

The petitioner who was remanded to judicial custody on 15.02.2024 for the offences registered by the respondent Police under



CrI.O.P.No.5686 of 2024

Sections 4(1)(a) r/w 4(1-A)ii of TNP Act, in Crime No.91 of 2024 seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 55 litres of ID arrack.

3.The learned Government Advocate (crl.side) raised objections stating that there are 22 previous cases against the petitioner.

4.The learned counsel for the petitioner stated that the petitioner is a lady and she is suffering from spinal injuries.

5.Taking all the factors into consideration and the period of incarceration into consideration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Kalasapakam, Tiruvannamalai 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



CrI.O.P.No.5686 of 2024

Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police, everyday 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.

7. A copy of this order may be forwarded to the Principal District Judge, Tiruvannamalai/the Chairman of the District Legal Services Authority, Tiruvannamalai to enquire into the conditions of the accused in Crime No.91 of 2024 namely, Santhi, F/32years, W/o.karthi, No.402, Main Road, Mashar Village, Chengam Taluk, Tiruvannamalai District against whom, the Inspector of Police, PEW Polur, Tiruvannamalai



CrI.O.P.No.5686 of 2024

District, had registered FIR in Crime No.91 of 2024 under Sections 4(1)(a) r/w 4(1-A)ii of TNP Act. The learned Principal District Judge, Tiruvannamalai, may enquire into her antecedents namely that she has 22 previous cases and examine whether it is owing to penury that she had repeatedly committed similar offences or for any other reason. It may also be enquired whether she is addicted to liquor. If possible, through the District Legal Services Authority, some assistance may be provided to rehabilitate her.

07.03.2024

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To

1. The Judicial Magistrate, Kalasapakam, Tiruvannamalai District.
2. The Special Prison for Women, Vellore.
3. The Inspector of Police,
PEW Polur,
Tiruvannamalai District.
4. The Public Prosecutor, High Court of Madras.



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CrI.O.P.No.5686 of 2024

C.V.KARTHIKEYAN. J.

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