



Crl.O.P.No.5655 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

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

Crl.O.P.No.5655 of 2024

Bommi @ Alagammal

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
H-1, Washermenpet Police Station,
Chennai.

(Crime No.09 of 2024)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Crime No.09 of
2024 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.K.P.Rajendran

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



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ORDER

The petitioner/accused in Crime No.09 of 2024, registered by the respondent for the offences under Sections 272, 273 and 328 of IPC and Sections 6(a) and 24(1) of COTPA Act, 2003, and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015, seeks bail.

2.The petitioner had been arrested and remanded to judicial custody on 16.02.2024 with possession of 3.150 kgs of Mava products and 122 packets of banned tobacco products, totally 1.220 kgs of banned tobacco products.

3.One serious objection raised is that there are 38 previous cases against the petitioner.

4.The petitioner is aged 73 years. Taking that factor into consideration and all other surrounding factors, I am inclined to grant bail to the petitioner subject to the following conditions:



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5. 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 learned XV Metropolitan Magistrate, George Town, Chennai, 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for 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].



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

6. Additionally, a copy of this order may be forwarded to the Member Secretary, Tamil Nadu Legal Services Authority, to conduct preliminary examination through a legal aid counsel/paralegal aid counsel about the petitioner Bommi @ Alagammal, W/o. Kuppuswami, No.746, C Block, East Cemetery Road, Old Washermenpet, Chennai – 600 021, against whom the respondent had registered FIR in Crime No.09 of 2024 for the offences under Sections 272, 273 and 328 of IPC and Sections 6(a) and 24(1) of COTPA Act, 2003, and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015, particularly, since she is aged 73 years and has 38 previous cases and practically all of them under COTPA Act. It may be examined whether there can be any possibility of rehabilitation and to provide an alternate avenue for leading her life at least in a peaceful manner in future.

07.03.2024

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C.V.KARTHIKEYAN. J.

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To

1. The XV Metropolitan Magistrate, George Town, Chennai
2. The Central Prison,Puzhal.
- 3.The Inspector of Police,
H-1, Washermenpet Police Station,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

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