



WEB COPY



CrI.O.P.No.18771 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.18771 of 2024

Pachaiyammal

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sankarapuram Police Station,
Kallakuruchi District.

(Crime No.362 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.362 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.T.Mahavishnu for
Mr.R.Thamarai Selvan

For Respondent : Mr.S.Vinothkumar
Government Advocate (CrI.Side)

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 27.06.2024, for the offences punishable under Section 4(1)(aaa), 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.382 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 110 litres of illicit arrack. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case, since she has got some previous cases. The alleged occurrence took place on 27.06.2024 and the petitioner was arrested on the very same day. She has not committed any offence as alleged in FIR. She is in custody for more than 30 days. Hence, he prayed bail for the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police would contend that the petitioner was found to be in illegal possession of 110 litres of I.D. arrack. He further submitted that the petitioner has 9 previous cases of similar nature and thereby, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence and considering the period of incarceration undergone by the petitioner and also considering that though the petitioner has 9 previous cases, in all the cases, she has been released on bail and considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, 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 Judicial Magistrate Court, Sankarapuram, and on further conditions that :-



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[a] the petitioner shall report before the Judicial Magistrate No.II, Villupuram, everyday at 10.30 a.m., until further orders.

[b] the petitioner shall not commit any offences of similar nature.

[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 Judicial 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.

06.08.2024

drl



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TO

- 1.The Judicial Magistrate Court,
Sankarapuram.
- 2.The Inspector of Police,
Sankarapuram Police Station,
Kallakuruchi District.
- 3.The Superintendent,
Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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