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Crl.O.P.No.18823 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2024

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THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.18823 of 2024

Elavarasi

...Petitioner/Accused

Vs.

The State rep by its
The Inspector of Police,
Kandachipuram Police Station.
(Crime No.281 of 2024)

...Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail in Crime No.281 of 2024 on the file of respondent police.

For Petitioner : Mr.P.Sureshkumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.06.2024 for the offences under Sections 4(1)(a), 4(1-A) of TN



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Prohibition Act, in Crime No.281 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 5 litres of illicit arrack. Hence the case.

3. Learned counsel for petitioner submitted that the petitioner is innocent and she has been falsely implicated in this case. He further submitted that the petitioner has been in incarceration for more than 39 days and the petitioner is ready to abide by any stringent condition imposed by this Court. Hence, he prays of grant of bail.

4. Learned Government Advocate submitted that the petitioner was found in possession of 5 litres of illicit arrack. He further submitted that the petitioner has four previous cases against her. Hence, he vehemently objected to grant bail to the petitioner.

5. I have heard the representation made by the learned counsel on both side.



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6. Considering the quantity of illicit arrack and considering the period of incarceration undergone by the petitioner and considering that though the petitioner has four 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 his 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 II, Villupuram, 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 cards or Bank pass Books to ensure their identity;

[b] the petitioner shall report before D1-Police Station, Gingee, everyday at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[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.

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To

- 1.The Judicial Magistrate II,
Villupuram.
- 2.The Central Prison,
Cuddalore.
- 3.The Inspector of Police,
Kandachipuram Police Station.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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