

(2023) 11 MAD CK 0133

Madras High Court

Case No: Criminal Original Petition No. 26416 Of 2023

E.Geetha

APPELLANT

Vs

State

RESPONDENT

Date of Decision: Nov. 21, 2023

Acts Referred:

- Indian Penal Code, 1860 - Section 229A
- Tamil Nadu Prohibition Act, 1937 - Section 4(1)(A), 4(1)(a)

Hon'ble Judges: C.V.Karthikeyan, J

Bench: Single Bench

Advocate: T.Balachandran, R.Kishore Kumar

Judgement

C.V.Karthikeyan, J

1. The petitioner/A2 who was arrested and remanded to judicial custody on 30.10.2023 registered for the offences under Sections 4(1)(A) and 4(1)(a) of TNP Act, in Crime No.474 of 2023, seeks bail.

2.It is stated that the petitioner was found in possession of 210 bottles of illicit arrack. There are five previous cases against the petitioner.

3.However, the learned counsel for the petitioner stated that A1 had been arrested and later, enlarged on bail.

4.Taking into consideration the period of incarceration and also of the fact that the petitioner is a lady, this Court is inclined to grant bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of Rs.30,000/- (Rupees Thirty Thousand only) directly to the credit of "The Dean/Medical Officer, Government General Hospital, Villupuram", without prejudice to her rights and contentions before the trial Court, on such

deposit and production of proof, 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 learned Judicial Magistrate No.I, Kallakurichi District, and on further conditions that :-

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioner shall make a non-refundable deposit of Rs.30,000/- (Rupees Thirty Thousand only) directly to the credit of "The Dean/Medical Officer,

Government General Hospital, Villupuram and the Dean/Medical Officer may use the said amount for treatment of patients in Primary Health Centres at Kallakurichi District;

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

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