

In the Court of the Principal District and Sessions Judge, Nagapattinam.
Present: Thiru. N. Manivannan, B.A., B.L.,
Sessions Judge, Special Court under POCSO Act, Nagapattinam.
Full Additional Charge of Principal District and Sessions Judge, Nagapattinam.
Monday, the 17th day of October 2022
Cr.M.P.No.3256/2022

Kartheeshwari, aged 40/2022, W/o Murugan

..... Petitioner

/Vs/

The Inspector of Police, Kilvelur P.S.
Cr.No.451/2022

..... Respondent

Petitioner Prays to grant bail under section 439 Cr.P.C

This petition came up today (17.10.2022) before me in the presence of Thiru. R. Sivakumar, Advocate for the petitioner and Public Prosecutor for Respondent and upon hearing the arguments of both side and on perusal of available records, this court passed the following:

ORDER

The petition is filed by the petitioner/accused who was arrested on 03.10.2022 for the offence u/s.4(1)(aaa) r/w 4(1-A) TNP Act in Cr.No.451/2022 on the file of respondent police station for seeking bail.

Heard both side. The learned counsel for the petitioner contended that the petitioner is an innocent and she is in no way connected with the alleged offence and the false case has been foisted against her and that she is in judicial custody for the past 15 days and thereby prays to grant bail.

On the other hand, the learned Public Prosecutor contended that the petitioner with two others who had been in unauthorized possession of 110 litre of illicit arrack had been arrested and remanded on 03.10.2022 and the petitioner is in judicial custody for the past 15 days. There are 4 previous cases are pending against the petitioner. Investigation is still pending and thereby objected to grant bail.

In this crisis situation due to spreading of pandemic COVID-19 virus and considering the period of detention of the petitioner and the facts and circumstances of this Case, **this court is inclined to release the petitioner on bail.**

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 single surety for a like sum

to the satisfaction of the learned Judicial Magistrate No.I, Nagapattinam and on further condition that,

(a) the sureties shall affix their photograph 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 appear and sign before the respondent police daily at 10.30 a.m. for a period of one month.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(d) the petitioner shall not abscond 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 herself as laid down by the Hon'ble Supreme Court in P.K. Shaji Vs. State of Kerala [(2005) AIR SCW 5560].

(f) if the petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Pronounced by me in open court, this the 17th day of October 2022.

PRINCIPAL DISTRICT AND SESSIONS JUDGE (FAC),
NAGAPATTINAM.

To

1. The Judicial Magistrate No.I, Nagapattinam.
2. The Inspector of Police, Kilvelur P.S.
3. Thiru. R. Sivakumar, Advocate, Nagapattinam.

(On payment of costs)