

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.17896 of 2019

PACHAIYAMMAL

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
VELLORE, VELLORE DISTRICT.

CRIME NO.378 OF 2018

For Petitioner : M/S.R.THULASI Advocate

For Respondent : M/S.M.PRABHAVATHI, ADDL.PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 4(1)(aaa), 4(1-A)ii of Tamil Nadu Prohibition Act r/w. Section 468, 471, 420 of I.P.C. and Section 6 & 7 of Tamil Nadu Rectified Spirit Rules 2000 in Crime No.378 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in possession of 96 bottles of ID Arrack. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she is no way connected with the offence committed. He further submitted that the petitioner has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner was found in possession of 96 bottles ID Arrack. She further submitted that the petitioner already granted anticipatory bail with condition by this Court, but the

petitioner did not comply with the conditions.

5.It is seen that the petitioner already granted anticipatory bail in Crl.OP.No.24267 of 2018 by this Court. However, he could not comply with the conditions within the time stipulated by this Court. Therefore, the petitioner approached this Court by way of filing this Criminal Original Petition.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.10,000/- to the Stanley Medical College, and to deposit an amount of Rs.2,500/- to the Chief Justice Relief Fund, Madras High Court, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is directed to deposit an amount of Rs.10,000/- to the Dean, Stanley Medical College, Chennai and to deposit an amount of Rs.2,500/- to the Chief Justice Relief Fund, Madras High Court, and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Additional District Munsif cum Judicial Magistrate Ambur on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 deposit a sum of Rs.10,000/- to the Dean, Stanley Medical College, Chennai to enable the Dean to use the aforesaid amount for the purpose of treating the alcohol influenced patients and deposit a sum of Rs.2,500/- to the Chief Justice Relief Fund, Madras High Court.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

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

[e] the petitioner shall not abscond 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.

-sd/-
08/07/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL DISTRICT
MUNSIF CUM JUDICIAL MAGISTRATE, AMBUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING, VELLORE, VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DEAN,
STANLEY MEDICAL COLLEGE, CHENNAI.

6 THE SECTION OFFICER,
ACCOUNTS SECTION, CHIEF JUSTICE RELIEF FUND,
MADRAS HIGH COURT, MADRAS.

+1 CC to M/S.R.THULASI Advocate on payment of necessary charges SR.NO.13775

CRL OP.17896/2019

Date :08/07/2019

CSL/18.07.2019