

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.8802 of 2020

(*)Sundari @ Sivasundari

... Petitioner

Vs.

The State Rep. by its
Sub-Inspector of Police,
Tiruvannamalai East Police Station,
Tiruvannamalai.
Crime No.1370 of 2020.

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C., praying, to enlarge the petitioner/accused on bail in the event of arrest in connection with Crime No.1370 of 2020, on the file of the respondent police.

For Petitioner : Mr.E.Sathiyaraj

For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 4 (1)(a) r/w 4(1-A)(ii) of Tamil Nadu Prohibition Act, 1937, in Crime No.1370 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was carrying 30 litres of I.D. Arrack in a plastic pot in a two wheeler and on seeing the respondent Police, she dropped the vehicle and tried to escape. The respondent Police caught hold of her and seized the vehicle.

3.The learned Additional Public Prosecutor submitted that the petitioner was in possession of 30 litres of I.D.Arrack. The learned counsel further submitted that no previous case is pending as against the petitioner.

4. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to this petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Tiruvannamalai, on condition that the petitioner shall execute a separate bond for a sum of Rs.5,000/- (Rupees five 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.1,000/- (Rupees One Thousand only) directly to the **Tamil Nadu Advocate Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157)**.

[c] the petitioner shall report before the respondent police, 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

17/06/2020

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.

[*] Amended The time granted by this Court for surrender is extended for a period of 10 days from today. The other conditions imposed by this Court shall stand as it is. It is made clear that no further time will be granted to the petitioner by this Court. as per order of this Court dated 11/12/2020 made in CRL.MP.NO.6709 OF 2020 in CRL.O.P.NO.8802 OF 2020.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
TIRUVANNAMALAI EAST POLICE STATION,
TIRUVANNAMALAI DISTRICT

5 THE TAMIL NADU ADVOCATE CLERK ASSOCIATION,
MADRAS HIGH COURT, CHENNAI (INDIAN BANK,
HIGH COURT BRANCH, A/C NO.484026006, IFSC
CODE:IDIB000M157).

+1 CC to M/S SATHIYARAJ E. Advocate on payment of necessary
charges SR.NO.8142

CRL OP.8802/2020

Date :17/06/2020

सत्यमेव जयते

TA-10/09/2020

TA-16/12/2020

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