

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2020

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.10455 of 2020

Govindammal, F/aged about 35 years,

W/o.Thulasi,

No.359K, Kurumbar Vattam,

Merkathiyanur Village,

Matrapalli Post,

Thiruppathur Taluk & District.

... Petitioner/Single Accused

Vs.

The State represented by,

The Inspector of Police,

Prohibition Enforcement Wing,

Tirupattur,

Tirupattur District.

(Vellore District)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of her arrest in Crime No.223 of 2020 pending on the file of the respondent.

For Petitioner : Mr.R.Thulasi
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 4(1)(a), 4(1)(g) and 4(1-A) of Tamil Nadu Prohibition Act in Crime No.223 of 2020, 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 20 litres of ID Arrack and 400 litres of fermented wash illegally. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. On instruction, he would further submit that the petitioner is prepared to deposit some considerable amount to any charitable organization or association without prejudice to his contention and prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner was found in possession of 20 litres of ID Arrack and 400 litres of fermented wash illegally. He further submitted that there is no previous case pending against the petitioner. However, he opposed for the grant of anticipatory bail to the petitioner.

5. It is seen that there is no previous case against the petitioner, this Court is of the opinion that the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of **Government of Tamil Nadu, Chief Minister's Public Relief Fund**, without prejudice to his rights and contentions before the trial Court.

6. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] The petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) deposit either through RTGS/NEFT or in cash in favour of **'The Chief Minister's Public Relief Fund', Indian Overseas Bank, SB.A/c. No.117201000000070, IFSC Code. No.IOBA0001172**, within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioner is directed to be released on bail in the event of her arrest or her appearance and on production of proof of deposit of the above amount and on further condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Ten thousand only) with two sureties, each for the likesum to the satisfaction of the police officer who intends to arrest, failing which the petition for anticipatory bail shall stand dismissed automatically and on further condition that the petitioner shall also give an letter of undertaking before the respondent/police that the said amount has been paid in respect of particular organization.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police on every Monday and Friday at 10.30am, until further orders.

[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.

8. With the above directions, this Criminal Original Petition is ordered.

9. For reporting compliance, post on 03.08.2020.

सत्यमेव जयते

13.07.2020

Internet : Yes/No

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To

1.The Judicial Magistrate No.II,
Tirupathur.

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2.The Inspector of Police,
Prohibition Enforcement Wing,
Tirupattur,
Tirupattur District.

3. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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