

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.13466 of 2020

Malarkodi
W/o. Raju

... Petitioner

Vs.

The State represented by
Inspector of Police,
PEW Thiruthuraipoondi police station,
Thiruvarur District,
Crime No.672 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of arrest in
Crime No.672 of 2020 on the file of the respondent police.

For Petitioner : Mr.Swamisubramanian

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

O R D E R

(This case has been heard through video conference)

The Petitioner who apprehends arrest at the hands of the Respondent Police, for having allegedly committed the offences punishable under Sections 4(1)(a) r/w 4(1-A) of the Tamil Nadu Prohibition Act, in Crime No.672 of 2020, has filed this Criminal Original Petition under Section 438 of Cr.P.C., seeking anticipatory bail.

2. The case of the Prosecution as per the defacto complainant is that on the usual raid of the respondent police, the petitioner was found in possession of 10 litres of ID arrack. Hence, the complaint was registered.

3. This Court heard the learned counsel for the Petitioner and the learned Additional Public Prosecutor for the Respondent and also perused the materials placed before this Court.

4. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent lady and she has been falsely implicated in this case since there are allegations against her husband. On instruction, he would further submit that taking into

consideration the present Covid pandemic situation the petitioner is prepared to donate/pay some considerable amount to any charitable organization or association without prejudice to her defence and prayed for grant of anticipatory bail.

5. On the other hand, the learned Additional Public Prosecutor, while opposing to grant anticipatory bail, would submit that the Petitioner was found in possession of 10 litres of ID arrack without any valid licence. He further submitted that there is no previous case against the petitioner.

6. Taking into consideration the voluntary submission made by the petitioner offering to donate/pay considerable amount to any charitable organization or association, this Court is of the opinion that the petitioner may be directed to donate/pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to "The Chief Minister's Public Relief Fund", Indian Overseas Bank, SB.A/c. No.117201000000070, IFSC Code. No.IOBA0001172" without prejudice to her rights and contentions before the trial Court.

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

8. 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 pay a sum of Rs.10,000/- 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 payment of the above amount and on further condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Ten thousand only) with two sureties each for the like sum 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 crime number.

[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 every Monday and Friday at 10.30 a.m. 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.

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

10. For reporting compliance, post on 23.09.2020.

-sd/-

02/09/2020

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.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUTHURIPOONDI, THIRUVARUR DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
PEW THIRUTHURAIPOONDI POLICE STATION,
THIRUVARUR DISTRICT.

4 THE SECRETARY,
THE CHIEF MINISTERS PUBLIC RELIEF FUND
INDIAN OVERSEAS BANK

CC to M/S.SWAMISUBRAMANIAN Advocate on payment of necessary charges

CRL OP.13466/2020

Date :02/09/2020

RD 11/09/2020