

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15155 of 2020

V.Nithyalakshmi

...Petitioner

Vs.

State Rep by
The Inspector of Police
J-4 Kotturpuram Police Station
Chennai

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent police in Crime No.990 of 2020 on the file of the respondent police.

For Petitioner : Mr.L.Infant Dinesh

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

O R D E R

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 464, 476, 484 IPC in Crime No.990 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the Inspector of Police, Traffic Investigation, Besant Nagar, Chennai, is that on 19.03.2020, while the defacto complainant was conducting vehicle check up, the petitioner had come in a Eco Sports Car having Registration No.TN 22 CS 7002, with Government emblem viz. Government of India, of Food Corporation of Tamil Nadu and the car was fitted with a blue revolving light on the top.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and she has been falsely implicated in this case. He would submit that the petitioner is a nominated member of consultative Committee in the Food Corporation of India and she believing that as a Consultative Committee Member in Food Corporation of India, she is entitled to fix blue revolving light in her vehicle and thereby she had fixed the light on the top of the car and other

than that the petitioner has not done anything and that the petitioner did not even use the revolving light. He would further submit that the car of the petitioner was earlier seized and thereafter returned to the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that though the petitioner claims to have been appointed as a member in Food Corporation of India, she without any proper authorization, had fitted the blue revolving light on top of her car in violation of the Motor Vehicles Act and other laws under the rules. Further, the respondent has entertained a doubt with regard to the alleged nomination letter said to have been issued by the General Manager of Food Corporation of India. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned Counsels on either side and perused the materials placed on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsels, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned IX Metropolitan Magistrate, Saidapet, Chennai, 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 report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter every Monday at 10.30 a.m. until further orders.

[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 himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-

02/11/2020

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 METROPOLITAN MAGISTRATE
NO.IX, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
J4 KOTTURPURAM POLICE STATION,
CHENNAI.

+1 CC to M/S. L.INFANT DINESH Advocate on payment of necessary charges SR.No.7199

WEB COPY

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Date :02/11/2020

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