

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17..02..2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.3035 of 2021

S.Poornima Devi

... Petitioner

-Versus-

The State Rep. By
Inspector of Police,
Rayakottai Police Station,
Krishnagiri Taluk and District.
[Crime NO. 617 of 2020]

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of her arrest in Crime No.617 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.K.Gajendran

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner/A1, who apprehends arrest in connection with the case in Crime No.617 of 2020 on the file of the respondent police for the alleged offences punishable under Sections 273 and 328 of IPC r/w 7 and 20(1) of Cigarettes and Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003, is before this court seeking anticipatory bail.

2. I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and also perused the records carefully.

3. The learned counsel for the petitioner would submit that the petitioner is a lady and she is innocent of offences alleged and merely because she is the owner of the lorry in which the banned tobacco products have been transported, she has been implicated in the case.

4. The learned Additional Public Prosecutor would contend that the petitioner is the owner of a lorry bearing Regn. No. TN 39 CC 9329. from which 3040 Kgs of tobacco were seized. He would, however, submit the co accused, who were arrested and remanded to judicial custody, have been released on bail.

4. Considering the fact that the petitioner is the owner of the lorry from which the contrabands were said to have been seized and on considering the fact that the co-accused who were arrested and remanded to judicial custody, had been released on bail and all other circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

a) 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 of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Denkanikottai, Krishnagiri District, on her executing 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:

[b] 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.

[c] the petitioner shall appear 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate himself /Trial Court 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.

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

-sd/-
17/02/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
DENIKANILLOTTAI,
KRISHNAGIRI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
KRISHNAGIRI DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
RAYAKOTTAI POLICE STATION,
KRISHNAGIRI TALUK AND DISTRICT.

+1 CC to M/S.K.GAJENDIRAN Advocate on payment of necessary charges
SR.NO.1827.

WEB COPY

CRL OP.3035/2021

Date :17/02/2021

EP-24/02/2021