

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Ninth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6869 of 2021

ADHILAKSHMI

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE

P.E.W. THIRUVANNAMALAI POLICE STATION,

THIRUVANNAMALAI DISTRICT.

CR.NO.230 OF 2021

For Petitioner : M/S.R.BALAKRISHNAN Advocate

For Respondent : M/S.K.PRABAKAR, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section 4(1) (aaa) r/w 4(1-A) ii of TNP Act and 6&7 of R.S Rules 2000 in Cr.No.230 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and two others having a possession of 140 litres of I.D.Arrack in the plastic cane. As per the FIR, the petitioner was abscond from the occurrence place. The FIR was registered by the respondent police as suo-motu. Hence, the present petition has been filed.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. She is an innocent person and she has been falsely implicated in the case. Accordingly, he prayed for anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the petitioner is a third accused. No previous case is pending against the petitioner.

5.Considering the fact that the petitioner was subsequently implicated in this case, this Court is inclined to grant anticipatory bail to the petitioner.

6.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 Judicial Magistrate II, Thiruvannamalai, 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 and on further condition that:

(a) The petitioner is directed to deposit a sum of Rs.10,000/- as non-refundable deposit either through RTGS/NEFT or in cash in favour of the Dean, Rajiv Gandhi General Hospital, Chennai;

(b) On such deposit being made and on production of the receipt, the petitioner is ordered to be released on bail;

(c) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 15 days and thereafter shall report before the respondent police on every Monday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

(e)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner shall not abscond either during investigation or trial;

(g)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]; and;

(h)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
09/04/2021

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 JUDICIAL MAGISTRATE,
NO.II, THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
P.E.W. THIRUVANNAMALAI POLICE STATION,
THIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DEAN,
RAJIV GANDHI GENERAL HOSPITAL,
CHENNAI.

+1 CC to M/S.R.BALAKRISHNAN Advocate on payment of necessary charges SR.No.4747

WEB COPY

CRL OP.6869/2021

Date :09/04/2021

cs 22/04/2021