



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.12529 of 2021

Pethamma

... Petitioner

Vs.

The State Represented by
Inspector of Police,
P.E.W.Mayiladuthurai Police Station,
Nagapattinam District.
(Crime No.795 of 2019)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner/sole accused on bail in the event of her arrest by the respondent police concerned in Crime No.795 of 2021 on the file of the Inspector of Police, P.E.W.Mayiladuthurai Police Station, Nagapattinam District..

For Petitioner : Mr.M.Vinoth

For Respondent : Mr.A.Gopinath
Government Advocate (CrI.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 4(1)(aaa), 4(1-A) of TNP Act in Crime No.795 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution in that when the respondent police was on regular checkup they found that the petitioner/A2 was in possession of 720 liters of Pandy Arrack. Hence, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. However, on instructions, the learned counsel further submitted that the petitioner, on her own volition, is ready and willing to contribute a sum of Rs.50,000/- for the purpose of improving and maintaining the Government Schools.



4. The learned Government Advocate (Crl.Side) vehemently opposed the grant of anticipatory bail by stating that the petitioner was in possession of 720 liters of Pondy Arrack. He further submits that there are three previous cases against the petitioner. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering facts and circumstances of the case and there are three previous cases pending against the petitioner, I am 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Tharangampadi 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) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner shall make a non-refundable deposit of Rs.50,000/- to the credit of " The Chief Educational Officer, Nagapattinam District, for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgment without prejudice to his defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner ;

(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 two weeks and thereafter as and when required.

(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.

7. In the result, this Criminal Original Petition is ordered and the Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred and works that were done for the improvement/rehabilitation of the schools in the District before the Director of School Education as and when such works are completed by utilising the money as ordered by this Court.

-sd/-
20/07/2021

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,
THARANGAMPADI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM DISTRICT [FOR INFORMATION].

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



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE CHIEF EDUCATIONAL OFFICER
NAGAPATTINAM DISTRICT.

+1CC to M/S.M.VINOTH Advocate on payment of necessary charges
S.R. NO. 7581

CRL OP.12529/2021

Date :20/07/2021

JPA 28/07/2021