



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Cr1.O.P.No.19511 of 2021

1.Veeramma @ Chinna Ponnu
2.Senthilkumar @ Selvakumar

... Petitioners

Vs.

State rep. By
The Inspector of Police,
Kodungaiyur Police Station,
Chennai District.
(Crime No.2623 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail pending investigation in Crime No.2623 of 2021 on the file of the respondent police.

For Petitioners : Mr.R.Sasikumar

For Respondent : Mr.L.Baskaran
Government Advocate (Cr1 side)

ORDER

The petitioners who were arrested on 02.10.2021 and remanded to judicial custody for the offences under Sections 4(1)(a), 4(1-A)(ii) of T.N.P.Act, in Crime No.2623 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners were found in illegal possession of 10 bottles of brandy and 10 bottles illicit liquor. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are in no way connected with the alleged offence and they have been falsely implicated in this case and the petitioners have been in jail from 02.10.2021. However, on instructions, the learned counsel further submitted that the petitioners, without prejudice their rights, on their own volition, are ready and willing to contribute a sum of Rs.5,000/- for the purpose of improving and maintaining the Government Schools. Therefore, he prays to grant bail



to the petitioners.

4. The learned Government Advocate (Crl.Side) vehemently opposed the grant of bail by stating that the petitioners were found in illegal possession of 10 bottles of brandy and 10 bottles illicit liquor. He further submitted that there is no previous case pending against the petitioner and the investigation is still pending.

5. Considering the period of incarceration suffered by the petitioners and there is no previous case pending against the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 learned X Metropolitan Magistrate Court, Egmore Chennai. and on further condition that:

(a) the petitioners shall make a non-refundable deposit of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Chief Educational Officer, Chennai District for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgement, without prejudice to their defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/acknowledgement, shall accept the sureties furnished by the petitioners;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned X Metropolitan Magistrate Court, Egmore, Chennai, may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(c) the petitioners shall co-operate with pending investigation and report before the respondent police daily at 10.00 a.m., until further orders.

(d) the petitioners shall not influence, threaten or coerce the witness either during investigation or trial;

(e) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

(g) 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 for the improvement/rehabilitation of the Schools in the District before the Commissioner of School Education as and when such works are completed by utilising the money as ordered by this Court

-sd/-

12/10/2021

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 X METROPOLITAN MAGISTRATE COURT,
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

3 THE INSPECTOR OF POLICE,
KODUNGAIYUR POLICE STATION,
CHENNAI DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL WOMEN PRISON,
PUZHAI, CHENNAI

6 THE OFFICER INCHARGE
SUB JAIL, SAIDAPET, CHENNAI



7 THE CHIEF EDUCATIONAL OFFICER
CHENNAI DISTRICT

+1 CC to M/S R.SASIKUMAR
charges SR.No.11412

Advocate on payment of necessary

CRL OP.19511/2021

Date :12/10/2021

APN 13/10/2021