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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21623 of 2021

1.Sumithra
2.Anitha
3.Sridhar

... Petitioners

Vs.

State Rep. By
The Inspector of Police,
P - 2 Otteri Police Station,
Chennai 600 012.
Cr.No.1438 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners/A1-A3 on bail in the event of their arrest in Crime No.1438 of 2021 on the file of the respondent.

For Petitioners : Ms.M.Rebecca

For Respondent : Mr.N.S.Suganthan
Government Advocate
(Cr1. Side)

ORDER

The petitioners, who apprehend arrest for the alleged offences punishable under Sections 4(1)(a), 4(1)(A) of TNP Act in Crime No.1438 of 2021, on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners were found in illegal possession 17 bottles of illicit arrack without label and 15 Honey day brandy bottles.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioners, on their own volition, are ready and willing to contribute a sum of Rs.5000/- to the credit of the Tamil Nadu Advocate Clerk Association, Chennai that may be imposed by this Court Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.Side) submits that the petitioners were found an illegal possession of 17 bottles of illicit arrack and 10 Honey day brandy bottles. He further submits that there are no previous cases pending against the petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned X Metropolitan Magistrate Court, Egmore, Chennai., on condition that each of the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each, to the credit of the Registered Tamil Nadu Advocates clerk Association, Chennai, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

(b)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate / Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners shall report before the X Metropolitan Magistrate Court on every Wednesday at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation;

(d)the petitioners shall not tamper with evidence or 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.

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-sd/-

18/11/2021

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,
EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
P-2, OTTERI POLICE STATION,
CHENNAI-600 012.

4 THE REGISTERED TAMIL NADU ADVOCATES CLERK ASSOCIATION,
HIGH COURT, MADRAS.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.REBECCA Advocate on payment of necessary charges
SR.NO.13022

CRL OP.21623/2021

Date :18/11/2021

CSK 26/11/2021