



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2021

CORAM:

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

Cr1.O.P.No.22531 of 2021

Pushpa

... Petitioner

Vs.

The State rep by
Inspector of Police
Kanjapur Police Station
Kanjapur
Villupuram District.

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in Crime No.446 of 2021 on the file of the Inspector of Police, Kanjanur Police Station, Villupuram District.

For Petitioner : Mr.K.Selvarangan

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 28.09.2021 for the offences under Sections 4(1)(A) 4(1)(a) of T.N.P. Act, in Crime No.446 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 07.11.2021, when the respondent police officials were on regular patrol duty, the petitioner was found in illegal possession of 10 litres of illicit arrack. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case and that she has been suffering incarceration for more than 55 days from 28.09.2021. However, on instructions, he would submit that the petitioner is



ready and willing to pay a sum of Rs.5,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of bail to the petitioner.

4. The learned Government Advocate raised objection stating that the petitioner has got 10 previous cases and she is an habitual offender and that the investigation is almost completed.

5. In order to curb the illegal activities and considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to make a non refundable deposit of Rs.5,000/- (Rupees Five Thousand Only), to the credit of the the Chief Educational Officer, Villupuram District for the rehabilitation and improvement of the basic needs like Toilet of the Government Schools in the said District under necessary acknowledgment, without prejudice to her rights and contentions.

6. It is made clear that the deposit of the amount by the petitioner to the said Chief Educational Officer, would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

7. Considering the period of incarceration undergone by the petitioner and the investigation is almost completed, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail 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 learned Judicial Munsif cum Judicial Magistrate, Vikravandi, and on further conditions that:

(a) the petitioner shall make non-refundable deposit a sum of Rs.5,000/- (Rupees Five Thousand Only), to the credit of the Chief Educational Officer, Villupuram District for the rehabilitation and improvement of the basic needs like Toilet of the Government Schools in the said District under necessary acknowledgment, without prejudice to her 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 petitioner;

(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 report before the respondent police every Wednesday at 10.30 a.m. until further orders;

(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/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.

9. 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 Director of School Education as and when such works are completed by utilising the money as ordered by this Court.

-sd/-
29/11/2021

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 JUDICIAL MUNSIF CUM
JUDICIAL MAGISTRATE, VIKRAVANDI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION].



3 THE INSPECTOR OF POLICE,
KANJANUR POLICE STATION,
KANJANUR, VILLUPURAM DISTRICT.

4 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN, CUDDALORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE CHIEF EDUCATIONAL OFFICER,
VILLUPURAM DISTRICT.

+1 CC to M/S. K. SELVARANGAN Advocate on payment of necessary
charges SR.NO.13605

CRL OP.22531/2021

Date :29/11/2021

JPA 30/11/2021