



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2021

CORAM:

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

Cr1.O.P.No.24511 of 2021

Chinnaponnu

... Petitioner

Vs.

State Rep by its,
The Sub-Inspector of Police,
PEW Mamallapuram Police Station,
Chengalpattu District.
(Crime No.860 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of arrest in Crime No.860 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

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

ORDER

The petitioner, who apprehends arrest for the alleged offence under Sections 4(1) (a) 4(1-A), of TNP Act in Cr.No.860 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 132 numbers of Honey Day brandy bottles and 10 numbers of unknown brand brandy bottles. Hence, the complaint.

3. The learned counsel appearing for the petitioner submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submits that the petitioner, on her own volition, is ready and willing to contribute a sum of Rs.10,000/- to any charitable purpose as may be directed by this Court and he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submits that the petitioner was found in illegal possession of 132 numbers of Honey Day brandy bottles 10 numbers of unknown brand brandy bottles worth about Rs.15,840/- . He further submits that there are five previous cases against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the petitioner has willfully and on her own volition agreed to contribute a sum of Rs.10,000/- for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned District Munsif-Cum-Judicial Magistrate, Thirukazhukundram, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Legal Service Authority, Chengalpet District 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 petitioner and 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 is directed to report before the respondent police as and when required for interrogation;

[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 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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
16/12/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUKAZHUKUNDRAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE SUB INSPECTOR OF POLICE,
PEW MAMALLAPURAM POLICE STATION,
CHENGALPET DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE
LEGAL SERVICE AUTHORITY, CHENGALPET.

6 THE SECRETARY,
TAMIL NADU LEGAL SERVICES AUTHORITY
HIGH COURT, MADRAS.

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges SR.NO.14917

CRL OP.24511/2021

Date :16/12/2021

JPA 27/12/2021