



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

CORAM:

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

Crl.O.P.No.24632 of 2021

Anjalai

... Petitioner

Vs.

State represented by
The Inspector of Police,
Sankarapuram Police Station
(Crime No.856 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime no. 856 of 2021 pending investigation, on the file of the respondent police.

For Petitioner : Mr.R.Thirumoorthy

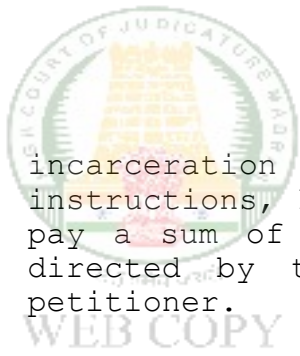
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 15.11.2021 for the offences under Sections 4(1) (A), 4(1)(a) of T.N.P. Act in Crime No.856 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the date of occurrence, when the respondent police officials were conducting vehicle check up based on a secret information, the petitioner was found in possession of 20 litres of illicit arrack. Hence, the complaint.

3. The learned counsel for the petitioner submits that petitioner is falsely implicated in this case and she has not committed any offence as alleged by the prosecution and she has been suffering



incarceration for more than 30 days from 15.11.2021. However, on instructions, he submits that the petitioner is ready and willing to pay a sum of Rs.10,000/- to any Charitable Organization as may be directed by this Court and he prays for grant of bail to the petitioner.

4.The learned Government Advocate raised objection stating that petitioner was found to be in possession of 20 litres illicit arrack and she is having 12 previous cases.

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.10,000/- (Rupees Ten Thousand Only), to the credit of the Advocate Clerks Association, Kallakurichi District, without prejudice to his rights and contentions.

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 his own volition agreed to contribute a sum of Rs.10,000/- Advocate Clerks Association, Kallakurichi District, this Court is inclined to grant 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 his appearance before the learned Judicial Magistrate, Sankarapuram, 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, failing which, the petition for 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 Registered Advocate Clerks Association, Kallakurichi 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 every Wednesday at 10.30 a.m., for a period of four weeks; until further order



[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 has 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];

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

-sd/-
17/12/2021

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 JUDICIAL MAGISTRATE,
SANKARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
SANKARAPURAM POLICE STATION,
KALLAKURICHI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL WOMEN PRISON, CUDDALORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



6 THE REGISTERED ADVOCATE,
CLERKS ASSOCIATION,
KALLAKURICHI DISTRICT.

WEB COPY +1 CC to M/S.R.THIRUMOORTHY Advocate on payment of necessary
charges SR.NO.15050

CRL OP.24632/2021

Date :17/12/2021

JPA 20/12/2021