



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.2977 of 2022

Anjalai

...Petitioner

Vs.

State
Inspector of Police
P5 MKB Nagar Police Station
Chennai
Crime No.81 of 2022

... 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.81 of 2022 on the file of the respondent police.

For Petitioner : Mr.S.Senthilvel

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 28.01.2022 for the offences under Sections 4(1) (a), 4(1-A) of TN Prohibition Act, in Crime No.81 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 28.01.2022 at about 10.30 hrs., the petitioner was found in illegal possession of 180 m.l. of 19 brandi bottles. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. However, the petitioner is ready to abide by any condition imposed by this Court. He would further submit that the petitioner is in judicial custody from 28.01.2022 onwards. Hence, he would pray for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner is having 7 previous cases in similar nature. By mentioning as above, she vehemently opposed this petition.

5. The submissions made by the learned Counsel on either side are considered.

6. Though the petitioner is having 7 previous cases, all the cases referred by the learned Additional Public Prosecutor are registered from the year 2015 onwards. As of now, the properties which are required for completing the investigation has been recovered. Also by considering the incarceration period, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing her own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Learned Metropolitan Magistrate-X, Egmore, Chennai, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];



(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

08/02/2022

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 METROPOLITAN MAGISTRATE,
NO.X, EGMORE, CHENNAI.

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

3 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN,
PUZZHAL, CHENNAI.

4 THE INSPECTOR OF POLICE,
P5, MKB NAGAR POLICE STATION,
CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.SENTHILVEL Advocate on payment of necessary
charges SR.NO.2082

CRL OP.2977/2022

Date :08/02/2022

RW 09/02/2022