



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

CORAM:

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

Crl.O.P.No.25517 of 2021

A.Meena

... Petitioner/Accused

Vs.

The Inspector of Police,
Pullarambakkam Police Station,
Thiruvallur District.
(Cr.No.405 of 2021)

... Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Cr.No.405 of 2021, pending on the file of the respondent police.

For Petitioner : Mr.G.Kartheeban

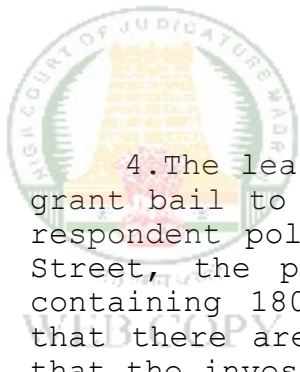
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.12.2021 for the offence under Sections 4(1)(a) read with Section 4(1-A) of TNP Act, in Crime No.405 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 10 bottles each containing 180 ml brandy worth Rs.1,200/-. 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. He would further submit that the petitioner has been suffering incarceration for more than 25 days from 06.12.2021. He would further 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 (Crl. Side) raised objection to grant bail to the petitioner by stating that on 06.12.2021, when the respondent police was on routine check up near Ekkadu Valiamman Koil Street, the petitioner was found in possession of 10 bottles each containing 180 ml brandy worth Rs.1,200/-. He would further submit that there are 19 previous cases against the petitioner but admits that the investigation is almost completed.

5. At this juncture, the learned Counsel for the petitioner would submit that the petitioner has already been released on 15 cases.

6. 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 Tamil Nadu Legal Services Authority, Chennai, without prejudice to his rights and contentions. The amount so deposited shall be utilised by the Authority for the welfare of the poor litigants.

7. It is made clear that the deposit of the amount by the petitioner to the said Authority 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.

8. Considering the facts and circumstances of the case and that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, 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 her release;

(b) the petitioner shall make non-refundable deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) through demand draft to the Tamil Nadu Legal Services Authority, Chennai, without prejudice to his defence before the trial Court and on such deposit, each petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate No.I, Thiruvallur, 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 on every Saturday 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.

-sd/-

03/01/2022

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 JUDICIAL MAGISTRATE,
NO.1, THIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
THE INSPECTOR OF POLICE,
PULLARAMBAKKAM POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S G.KARTHEEBAN Advocate on payment of necessary
charges SR.NO.8

CRL OP.25517/2021

Date :03/01/2022

JPA 04/01/2022