



Crl.O.P.No.5684 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.5684 of 2024

Chinnaponnu @ Kakkakanni

..Petitioner

Vs.

State represented by
The Inspector of Police,
PEW Polur,
Tiruvanamalai District.
(Crime No.108 of 2024).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.108 of 2024 on the file of the respondent police.

For Petitioner : Mr.D.Balaji

For Respondent : Mr.L.Baskaran
Govt. Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.02.2024 for the offences registered by the respondent Police under



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Sections 4(1)(a) r/w 4(1-A)ii of TNP Act in Crime No.108 of 2024 on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 15 litres of ID arrack.

3.The learned Government Advocate (crl.side) raised one objections stating that there are 18 previous cases against the petitioner.

4.It is also seen from the records that in Polur PEW Police Station and in Kadaladi Police Station, under the same provisions of law under the TNP Act, there are cases registered against the petitioner.

5.But however, taking all the factors into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Judicial Magistrate, Kalasapakam, Tiruvannamalai District and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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].

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

7.The learned Principal District Judge, Tiruvannamalai in his capacity also as the District Legal Services Authority may reach out to this petitioner namely Chinnaponnu @ Kakkakanni, who is an accused in Crime No.108 of 2024 registered by the Inspector of Police, PEW Polur Police Station, Tiruvannamalai, examine whether it would be possible to



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rehabilitate her through the aegis of District Legal Services Authority.

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To

- 1.The Judicial Magistrate, Kalasapakkam, Tiruvannamalai District.
2. The Special Prison for women, Vellore.
- 3.The Inspector of Police,
PEW Polur Police Station,
Tiruvannamalai District.
- 4.The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN. J.

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