



Crl.O.P.No.11795 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2024

CORAM:

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.No.11795 of 2024

Gunasundari
W/o.Vijayakumar

... Petitioner / Sole Accused

Versus

The State rep. by
The Inspector of Police,
Naduveerapattu Police Station,
Cuddalore District,
Crime No.75 of 2024.

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an anticipatory bail to the petitioner in the event of her arrest or on appearance before any Court in connection with the case in Crime No.75 of 2024 pending investigation on the file of the respondent police.

For Petitioner	:	Mr.Lakshmipathy Durairajan
For Respondent	:	Mr.C.E.Pratap
		Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner on 13.05.2024 under Section 438 of the Criminal Procedure Code, 1973 (Act No.2



of 1974) praying to grant an order of pre-arrest bail.

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2. The petitioner apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 273 and 328 of the Indian Penal Code, 1860 (Act No.45 of 1860) and 24(1) of the Cigarette and other Tobacco Products Acts, 2003 (COTPA) in Crime No.75 of 2024 on the file of the respondent police.

3. The case of the prosecution is that the petitioner is running a petty shop; that the respondent police went for a routine check and on seeing the police, the petitioner fled away from that place of occurrence. On search, the respondent police found 14 packets of Hans in the petitioner's shop. Hence, the case.

4. The learned counsel for the petitioner submitted that the petitioner is innocent and has not committed any offence as alleged by the prosecution. He further submitted that a false case has been foisted against the petitioner by the respondent police and no previous case is pending against the petitioner. Accordingly, he prayed to grant an order of pre-arrest bail to the petitioner.



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5. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner was in illegal possession of the prohibited Hans packets and thereby committed the alleged offence. He further submitted that no previous case is pending against the petitioner. Hence, he prayed to dismiss the petition.

6. Heard on both sides. This Court has perused the records.

7. The petitioner has permanent residence and deep roots in the society hence, there is less possibility of absconding. Considering the fact and circumstances of the case, nature of the offences committed by the petitioner and with a view to give an opportunity to the petitioner to reform herself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

(i) The petitioner shall be released on bail in the event of her arrest or in the event of her surrender before the **Judicial Magistrate-I Court, Cuddalore**, within a period of 15 days from today, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- to the satisfaction of the learned **Judicial Magistrate-I**,



Crl.O.P.No.11795 of 2024

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(ii) The petitioner shall appear and sign before the **respondent police**, **daily at 10.00 a.m.**, until further orders;

(iii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall make herself available for interrogation by police as and when required;

(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer;

(vi) The petitioner shall not leave India without the prior permission of the Court; and

(vii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) 13 SCC 283]**.



Crl.O.P.No.11795 of 2024

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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

16.05.2024

Index : Yes/No

Internet : Yes/No

Neutral citation : Yes/No

ms/mk

Note:-

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**

To

1. The Judicial Magistrate-I,
Cuddalore.
2. DO THROUGH:
The Chief Judicial Magistrate, Cuddalore.
3. The Public Prosecutor,
High Court, Madras.
4. The Inspector of Police,
Naduveerapattu Police Station,
Cuddalore District.



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Crl.O.P.No.11795 of 2024

R.SAKTHIVEL, J.

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Crl.O.P.No.11795 of 2024

16.05.2024