



CRL.O.P.No.23838 of 2022

CrI.O.P.No.23838 of 2022

SATHI KUMAR SUKUMARA KURUP., J.

The Petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(a), 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.172 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 30 litres of ID Arrack and on seeing the police, she escaped from the scene of occurrence. Hence the respondent police lodged a complaint against the petitioner.

3. The learned counsel for the Petitioner would submit that the Petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the Petitioner.

4. The learned Government Advocate (Crl. side) would submit that there are totally two accused in this case, in which the petitioner is arrayed as A2, who is none other than the wife of the first accused, was found in possession of totally 30 Litters of ID Arrack. He would further submit that the petitioner



is having two previous cases against her. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the Petitioner subject to the following conditions.

6. Accordingly, the Petitioner is ordered to be released on bail in the event of arrest by the Respondent Police or the Police Officer, who intends to arrest or on the Petitioner surrender before the Judicial Magistrate Court, No.1, Villupuram, within a period of fifteen days from the date of receipt of a copy of this order, on executing 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 Judicial Magistrate Court, No.1, Villupuram. Further, one of the sureties shall be a blood relative.

(a) the sureties shall affix their photographs and left thumb impression in the surety bond. The Police Officer who intends to arrest or the learned Judicial Magistrate before whom the Petitioners surrender and the sureties execute bond shall obtain a copy of their Identity Card, Aadhar Card or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo



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affixed and attested by the Bank Manager as proof of Identity.

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(b) the Petitioner shall report before the Respondent Police daily at 10.00 a.m., until further orders.

(c) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

06.10.2022

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