



Crl.O.P.No.25663 of 2022

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A.D.JAGADISH CHANDIRA, 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 TNP Act in Crime No.220 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in possession of 40 litres of ID Arrack. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she is no way connected with the alleged offence. He would submit that this is the second application for anticipatory bail and the earlier application was dismissed on the ground that the petitioner was having two previous cases of similar nature pending as against him. He would further submit that the petitioner is a HIV patient, counting her days and thereby he prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the petitioner is a HIV patient and the earlier application for anticipatory bail was dismissed on the ground that the petitioner was having two previous cases of similar nature pending as against her. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel and perused the entire materials available on record including the First Information Report.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel and also of the fact that the petitioner is a HIV patient, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned



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Judicial Magistrate, Vanur on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or 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 learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner



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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;

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