



Crl.O.P.Nos.25697 and 26043 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) and 4(1-A) of Tamil Nadu Prohibition Act, 1937 in Crime Nos.309 and 311 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. In Crl.O.P.No.25697 of 2022, the case of the prosecution is that on 11.10.2022 at about 9.00 a.m., during regular patrol conducted by the respondent police near Pachapatti Mariyamman Koil, they found that the petitioner and her husband were standing back side of their house with one white colour gunny bag under suspicious manner, on seeing the respondent police, the petitioner escaped from the place, the respondent police arrested her husband and found that the gunny bag contains 10 bottles of King Fisher Beer (each bottle contains 650 M.L), 24 bottles of ZINGARO Beer (each bottle contains 650 M.L), 24 bottles of Diamond Rum (each bottle contains 180 M.L) and 22 bottles of Black Pearl Brandy (each bottle contains 180 M.L). On



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further enquiry, A1 concurred that he mixed Umathancharu in one Black Pearl Brandy Bottle, which is a spurious Brandy. Based on the confession statement recorded, the petitioner arrayed as A2, as she accompanied with A1 for the alleged offence. Hence, the case was registered against them in Crime No.309 of 2022.

3. In Crl.O.P.No.26043 of 2022, the case of the prosecution is that on 12.10.2022 at about 21.30 hours, during regular patrol conducted by the respondent police near Pachapatti Mariyamman Koil, they found that the petitioner was standing back side of her house with one bag under suspicious manner, on seeing the respondent police, the petitioner escaped from the place, the respondent police seized the bag and found that the bag contains 40 bottles of Diamond Rum (each bottle contains 180 M.L) and 48 bottles of Black Pearl Brandy (each bottle contains 180 M.L). They also found that one bottle of diamond rum and one bottle of Black Pearl Brandy at opened state which are spurious rum and brandy. Hence, the case was registered against the petitioner in Crime No.311 of 2022.



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4. 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. He would further submit that the petitioner's husband was arrested and released on bail and the petitioner's name has been unnecessarily implicated in this case. He would also submit that without prejudice, the petitioner is prepared to deposit a sum of Rs.25,000/- to any Welfare Scheme of the Government and he prays for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Criminal Side) would submit that the petitioner was found in possession of 10 bottles of King Fisher Beer (each bottle contains 650 M.L), 24 bottles of ZINGARO Beer (each bottle contains 650 M.L), 24 bottles of Diamond Rum (each bottle contains 180 M.L) and 22 bottles of Black Pearl Brandy (each bottle contains 180 M.L) in Crime No.309 of 2022 and 40 bottles of Diamond Rum (each bottle contains 180 M.L) and 48 bottles of Black Pearl Brandy (each bottle contains 180 M.L) in Crime



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No.311 of 2022. He would further submit that her husband/A1 has been arrested and released on bail. Hence, he vehemently opposed to grant of anticipatory bail to the petitioner.

6. Heard both sides and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions of either sides and also taking note of the fact that the petitioner has come forward to deposit an amount of **Rs.25,000/- to the Dean, Government Mohan Kumaramangalam Medical College Hospital, Salem**, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to **deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) directly to the Dean, Government Mohan Kumaramangalam Medical College Hospital, Salem** and on such deposit and on receipt of proof of payment, the petitioner is ordered



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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 Judicial Magistrate No.II, Salem**, 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 deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) directly to the Dean, Government Mohan Kumaramangalam Medical College Hospital, Salem, to enable the Dean to use the aforesaid amount for the purpose of treating the alcohol influenced patients.**

[c] **the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 a.m., until further orders.**



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

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

[f] 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]**.

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

04.11.2022

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