



Crl.O.P.No.8014 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(aa) and 4(1-A) of Tamil Nadu Prohibition Act in Crime No.346 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were found selling of 80 litres of ID arrack. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.Per contra, the learned Government Advocate (Crl. Side) would submit that the petitioners were found selling of 80 litres of ID arrack. He would submit that as far as first petitioner is concerned, she has five previous against him and as far as second petitioner is concerned, she has no previous case against him. Hence, he vehemently



opposed for the grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners as well as the learned Government Advocate(Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the allegations and that the first petitioner has got five previous case against her, this Court is not inclined to grant anticipatory bail to the first petitioner. Hence, as far as first petitioner is concerned, this Criminal Original Petition is dismissed.

7. Taking into consideration the facts and circumstances of the case and that as far as second petitioner is concerned, she has no previous, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

8. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen



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days from the date on which the order copy made ready, before the **learned Judicial Magistrate-II, Aathur**, 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 his Aadhar card or Bank pass Book to ensure their identity.

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

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



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[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 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.

18.04.2023

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