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Crl.O.P.No.13065 of 2023

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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) (aaa) of TNP Act, in Crime No.103 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Annadurai who is the Inspector of Police attached the respondent police is that on 17.05.2023, he along with his police party was patrolling in Nepathur Village. At that time, the petitioner was found sitting behind her house in a suspicious manner and on seeing the police, she flew away from the spot and when the respondent police searched the place where the petitioner was sitting, they found 110 liters of Pondy Arrack in two polythene bags. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has not committed any



Crl.O.P.No.13065 of 2023

WEB COPY

offence as alleged by the prosecution. The fact remains that the husband of the petitioner is a notorious offender and in order to harass her family, the respondent police has foisted a false case against the petitioner and that the petitioner has no previous case against her. However, on instructions he would submit that without prejudice to her rights and defence, the petitioner is ready and willing to deposit a substantial amount to any charitable organisation as may be directed by this Court and he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent police vehemently opposed for grant of anticipatory bail to the petitioner stating that the petitioner is the wife of one Sathishkumar who is a notorious offender. On 17.05.2023, the petitioner was found in illegal possession of 110 litters of Pondy Arrack and on seeing the police, she flew away from the spot. However, he would submit that there is no previous case against the petitioner.



WEB COPY



CrI.O.P.No.13065 of 2023

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

6. In order to curb the illegal activities of selling illicit arrack and the voluntary submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** as non refundable deposit to the credit of **"The Dean/Medical Officer, Government Medical College and Hospital, Nagapattinam"**, without prejudice to her rights and contentions before the trial Court.

7. Merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Taking into consideration the above facts and circumstances of the case and the submissions of both sides and also of the fact that there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



Crl.O.P.No.13065 of 2023

WEB COPY

9. Accordingly, the petitioner is directed make a payment of **Rs.10,000/- (Rupees Ten Thousand Only)** by way of Demand Draft/RTGS/NEFT as a non-refundable deposit to the credit of "The Dean/Medical Officer, Government Medical College and Hospital, Nagapattinam" without prejudice to her rights and contentions before the trial Court and on such deposit and production of proof, 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 Judicial Magistrate, Sirkazhi**, on condition that the petitioner shall execute 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 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 :



CrI.O.P.No.13065 of 2023

[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 daily at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders.

[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 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]; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

15.06.2023

ksa-2



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Crl.O.P.No.13065 of 2023

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ksa-2

Crl.O.P.No.13065 of 2023

15.06.2023