



Crl.O.P.No.13223 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 alleged offences punishable under Section 4(1)(aa), 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.245 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused was found in possession of 80 litres of Pandy Arrack. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and other than being the wife of the first petitioner she has nothing to do with the alleged offence. He further submit that the first accused was arrested and released on bail. He would further submit that without prejudice, the petitioner is prepared to deposit a sum of Rs.20,000/- to the Government for any welfare purpose and he prays for grant of anticipatory bail to the petitioner.



CrI.O.P.No.13223 of 2023

4. The learned Government Advocate (Criminal Side) would submit

that the petitioner along with other accused was found in possession of 80 litres of Pondy Arrack, on seeing the police, the petitioner ran away. He further submit that the first accused was enlarged on bail. Hence, he vehemently 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. In order to curb the illegal activities of transporting illicit arrack, this Court is of the opinion that the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as non refundable deposit to "The Headmaster, Government Boys Higher Secondary School, Thiruthuraipoondi" 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 facts of the case and the submissions



CrI.O.P.No.13223 of 2023

made by the learned counsel and also taking note of the fact that the petitioner has prepared to deposit Rs.20,000/- to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as non-refundable deposit to the **“The Headmaster, Government Boys Higher Secondary School, Thiruthuraipoondi**, and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Thiruthuraipoondi**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000 /- (Rupees Ten Thousand only) with two sureties 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.13223 of 2023

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[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.20,000/- (Rupees Twenty Thousand only) as non-refundable deposit to the “The Headmaster, Government Boys Higher Secondary School, Thiruthuraipoondi” and the acknowledgement for the same shall be produced before the learned Magistrate at time of execution of bond.

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

[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



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CrI.O.P.No.13223 of 2023

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.

23.06.2023

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Crl.O.P.No.13223 of 2023

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Crl.O.P.No.13223 of 2023

23.06.2023