



Crl.O.P.No.13958 of 2023

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**G.CHANDRASEKHARAN. J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 4(1-A), 4(1)(a) of Tamil Nadu Prohibition Act in Crime No.124 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that, petitioner is shown as accused in Crime No. 124 of 2023 for the offences under Sections 4(1-A), 4(1)(a) of Tamil Nadu Prohibition Act. Petitioner is innocent and she is falsely implicated in this case. Apprehending arrest at the hands of the respondent, this petition is filed.

3. Learned Government Advocate (Criminal side), opposes on the ground that, on 14.05.2023 at about 15.15 hours, petitioner was found in illegal possession of 20 litres of illicit arrack near her house at Perumal Kovil street, Nedigramam, Thindivanam Village. Petitioner has a similar case pending in Crime No.97 of 2021 for the offence under Section 41(c) of Tamil Nadu Prohibition Act.



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4. Considering the nature of offence and facts of the case and the fact that previous case against the petitioner was registered only under Section 41(c) of Tamil Nadu Prohibition Act and that the substantial part of the investigation might have been over by this time and, this Court is of the view that, custodial interrogation of the petitioner is not necessary and 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-2, Tindivanam**, 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.



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**[b]the petitioner without prejudice to his defence shall deposit a non-refundable sum of Rs.10,000/-, by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that 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.**

**[c] the petitioner shall report before the respondent police as and when required for further interrogation;**

**[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**



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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.

**12.07.2023**

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