



Crl.O.P.No.16005 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners, Sekar @ Chinraj and Lavanya, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 4(1) (aaa), 4 (1)(g) and 4(1-A) of TN Prohibition Act, in Crime No.349 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. It is the submission of the learned counsel for the petitioners that petitioners are falsely implicated in this case. Thus, this petition.

3.In response, the learned Government Advocate (Crl.side) submitted that on 29.06.2023, at about 15 hours, respondent police found two persons near Pudhiyamman Temple, Vanjikarai thazhampudhar. On seeing the police, they escaped from the spot. Later, it came to be known that they are accused Sekar @ Chinraj and Lavanya. On searching the place where the accused were standing, police found 3 plastic cans each having 35 litres of illicit liquor, 2 iron tins each with 125 litres of fermented wash. Liquor and fermented wash were recovered. He further



Crl.O.P.No.16005 of 2023

submitted that first accused had 10 previous cases pending against him and second accused has no previous case pending against her.

4.In the light of the submissions made by the learned counsel appearing for the parties and the fact that first petitioner has 10 previous cases, this Court is not inclined to grant anticipatory bail to first petitioner. Considering the fact that second petitioner is a woman and that she has no previous case pending against her, this Court is of the view that custodial interrogation of the second petitioner is not necessary. Second petitioner is directed to make a non-refundable deposit of **Rs.25,000/- (Rupees Twenty Five Thousand only)** by way of **Demand Draft/RTGS/NEFT** to the credit of the **Chief Minister's Public Relief Fund, Finance (CMPRF) Department**, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN:AAAGC0038F, without prejudice to her rights and contentions before the trial Court, on such deposit and production of proof, second



CrI.O.P.No.16005 of 2023

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 District Munsif cum Judicial Magistrate, Cheyyur**, on condition that second 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 second 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 second petitioner shall report before the respondent police everyday at 10.30 a.m. until further orders.

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



Crl.O.P.No.16005 of 2023

[d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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.

5. Accordingly, this Criminal Original Petition is allowed as against the second petitioner and dismissed as against the first petitioner.

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21.07.2023



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Crl.O.P.No.16005 of 2023

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Crl.O.P.No.16005 of 2023

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