



Crl.O.P.No.20460 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 4(1)(a), 4 (1)(b), 4(1)(g) & 4 (1-A) of TN Prohibition Act, in Crime No.237 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. It is the submission of the learned counsel for the petitioner that petitioner is the wife of the second accused. She is implicated in this case on the basis of the confessional statement of the first accused and thus, prayed for anticipatory bail for the petitioner.

3.In response, the learned Government Advocate (Crl.side) submitted that on 15.05.2023, at about 20.00 hours, respondent police, on secret information of manufacture of illicit arrack, visited the land of the second accused in S.Patti village and found that some persons with two mud pots and plastic covers. On seeing them, one man and a woman escaped from the scene of occurrence. Respondent police arrested the first accused Vairamalai. As per the statement of the first accused, it was



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found that other accused are Kuppuraj and Unnamalai. It is also the case of the prosecution that the land belongs to Kuppuraj and they had manufactured illicit arrack in the land. First accused was arrested and still in jail. Second accused is detained under the Goondas Act.

4.This is the second anticipatory bail petition. Earlier anticipatory bail petition filed in Crl.O.P.No.13947 of 2023 was dismissed on 26.07.2023. Even thereafter, the respondent police have not taken any steps for arresting the petitioner. Considering this and also the fact that petitioner is a woman and to take the case forward, this Court is inclined to grant anticipatory bail for the petitioner.

5.Accordingly, 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, Harur, Dharmapuri**, 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



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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.

[b] the petitioner shall report before the respondent police everyday 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



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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.

05.09.2023

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