



Crl.O.P.No.24268 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 4(1)(aaa), and 4(1-A) of Tamil Nadu Prohibition Act r/w Sections 6 & 11 of TN Rectified Spirit Rules 2000, in Crime No.322 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 03.06.2023, the petitioner and other accused were found with illegal possession of 105 liters of illicit arrack. The petitioner however ran away. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent submits that petitioner and other accused were found with illegal possession of 105 liters of illicit arrack. There is one previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.



Crl.O.P.No.24268 of 2023

WEB COPY

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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and also fact that the petitioner is a woman, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 District Munsif Cum Judicial Magistrate, Cheyyur**, on condition that the petitioner shall execute a separate 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:



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Crl.O.P.No.24268 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, on everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;

[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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

02.11.2023

nvi



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Crl.O.P.No.24268 of 2023

C.V.KARTHIKEYAN, J.

nvi

Crl.O.P.No.24268 of 2023

02.11.2023