



CrI.O.P.No.5142 of 2024

CrI.O.P.No.5142 of 2024

WEB COPY

C.V.KARTHIKEYAN, J.

The petitioners who apprehend arrest at the hands of the respondent Police for the offences registered under Sections 4(1)(a) r/w 4(1-A) of TNP Act, in Crime No.21 of 2024 seek anticipatory bail.

2.The petitioners are arrayed as A2 and A3. A1 is the mother of A2. The petitioners along with A1 were found in illegal possession of 138 bottles of Government liquor. On seeing the Police, A2 and A3 ran away.

3.The learned Government Advocate (crl.side) stated that there are 11 previous cases against A2 and there is no previous case against A3.

4.Taking into consideration the fact that A1/mother of A2 is suffering from serious disease, this Court is inclined to grant anticipatory bail to the first petitioner/A2 with certain conditions.

5.Sofar as the second petitioner/A3 is concerned, though there is no previous case against him, it is stated that he only supplied the liquor and by such supply, A1 has got 41 previous cases and A2 has got 12 previous cases including this case. By this supply, he had destroyed the family of A1 and A2. This Court is not inclined to grant anticipatory bail to the second



petitioner.

6. Accordingly, this Criminal Original Petition is dismissed as against the second petitioner and this Criminal Original Petition is ordered as against the first petitioner and the first 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, Pennagaram, Dharmapuri District** on condition that the first petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten 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 first 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 first petitioner shall report before the respondent Police, daily at 10.30 a.m., until further orders;

[c] the first petitioner shall deposit a sum of



Crl.O.P.No.5142 of 2024

Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Dean/Medical Officer, Government General Hospital, Dharmapuri District for treatment of needy patients.

[d] the first petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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;

04.03.2024

vkf



WEB COPY



Crl.O.P.No.5142 of 2024

C.V.KARTHIKEYAN, J.

vkrr

Crl.O.P.No.5142 of 2024

04.03.2024