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Crl.O.P.No.11643 of 2024

K.KUMARESH BABU, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(a) and 4(1-A) of the Tamil Nadu Prohibition Act, 1937 in Crime No.297 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 01.05.2024, when the respondent Police was in regular patrol duty, the petitioner was found to be in possession of Mcliene Brandy 27 bottles each contains 180 ml, Old Chef Deluxe Branch 52 bottles each contains 180 ml and Black Pearl Brandy 3 bottles each contains 180 ml. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. However, on instructions he would submit that without prejudice to her rights and defence, the petitioner is ready and willing to deposit a substantial amount to any charitable organisation as may be directed by this Court and he prayed to grant anticipatory bail to the petitioner.

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4. The learned Government Advocate (Crl.side) appearing for the respondent police vehemently opposed for grant of anticipatory bail to the petitioner stating that the petitioner was found in illegal possession of prohibited liquor and there are two previous cases as against the petitioner.

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

6. In order to curb the illegal activities of selling illicit arrack and the voluntary submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand Only)** as non refundable deposit to the credit of **"District Legal Services Authority, Thiruvallur District**, without prejudice to her rights and contentions before the trial Court.

7. Merely, because the petitioner deposit the said amount, it would not amount to admission of her guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Taking into consideration the above facts and circumstances of the case and the submissions of both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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9. Accordingly, the petitioner is directed make a payment of **Rs.15,000/- (Rupees Fifteen Thousand Only) by way of Demand Draft/RTGS/NEFT as a non-refundable deposit to the credit of "District Legal Services Authority, Thiruvallur District"** without prejudice to his rights and contentions before the trail Court and on such deposit and production of proof, 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 **Judicial Magistrate Court, Madhavaram,** on condition that the petitioner shall execute a separate 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 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 daily at 10.30 a.m., until further orders.

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K.KUMARESH BABU, J.

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[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]; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

09.05.2024

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