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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDAR MOHAN

Crl.O.P.No.2445 of 2025

Malliga

... Petitioner/A2

Vs.

The State Rep. by
Inspector of Police,
Prohibition Enforcement Wing,
Dharmapuri,
Dharmapuri District.
(Crime No.864 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of
his arrest in Crime No.864 of 2024 on the file of the respondent Police.

For Petitioner : Mr.P.M.Jayachandran

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Section 4(1)(B) of TNP (Amendment)
Act 2024 in Crime No.864 of 2024 on the file of the respondent police, seeks



anticipatory bail.

2.The case of the prosecution is that the petitioner allowed the general public to consume alcohol in her chicken shop without any valid permission and 5 liquor bottles were seized from the place of occurrence. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is a law abiding citizen and ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner allowed the general public to consume alcohol in her chicken shop without any valid permission and 5 liquor bottles were seized from the place of occurrence. He would further submit that there are no previous cases pending as against the petitioner.

5. Heard both side learned counsel and perused the materials available



6. Considering the nature of allegation; there is no previous case pending against the petitioner; and that custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy was made ready, before the learned ***Judicial Magistrate - I, Dharmapuri***, on condition that the 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 said Magistrate, on further condition that:

[a] 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



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respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

31.01.2025

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To



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1.The Judicial Magistrate, Dharmapuri.

2.The Inspector of Police,
Prohibition Enforcement Wing,
Dharmapuri,
Dharmapuri District.

3.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

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