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Crl.O.P.No.5182 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.5182 of 2025

Punitha

Petitioner(s)

Vs

State rep by,
The Inspector of Police,
Palaiyur Police Station,
Mayiladuthurai District.
(Crime No. 32 of 2025).

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on anticipatory bail in the event of her arrest by the respondent police concerned in Crime No.32 of 2025, on the file of the respondent police.

For Petitioner(s) : Mr. P. Krishna Moorthy

For Respondent(s) : Mr. Leonard Arul Joseph Selvam,
Government Advocate (Crl. Side)



ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(A), 4(1-A)(i) of The Tamil Nadu Prohibition (Amendment) Act, 2024 in Crime No.32 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, while the respondent police were on their routine patrol duty, they found that the accused persons/ A1 and A2 were involved in illegal transporting of 110 litres of Shield Pondy Arrack; that during investigation, on the confession of the arrested accused, it was revealed that the petitioner was also involved in the aforesaid offence. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case, based on the confession of the co-accused; that the petitioner had never committed any offence as alleged by the prosecution; and that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear



and to co-operate for the investigation, and prayed for anticipatory bail to the petitioner.

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4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that the petitioner has been arrayed as A3 in this case; that the petitioner has one previous case; and that the investigation is pending, hence opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record.

6. Taking note of the facts and circumstances of the case, considering the nature of allegation against the petitioner, submissions made by the learned counsels on either side, the contraband was seized from the co-accused; the fact that the petitioner was implicated only on the confession of the co-accused, the petitioner is on bail in the other case and since 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.

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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, Tharangambadi** 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 every Monday at 10:30 a.m., until further orders.



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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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

26.02.2025

stn

To

The Inspector of Police,
Palaiyur Police Station,
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(Crime No. 32 of 2025).



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SUNDER MOHAN, J.

stn

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