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Crl.O.P.No.5582 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.5582 of 2025

Kavitha

Petitioner(s)

Vs

The State Rep. by
The Inspector of Police,
F 2 Egmore Police Station,
Chennai.
(Crime No.124 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.124 of 2025 on the file of the respondent police.

For Petitioner(s) : Mr. M. Rajavelu

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



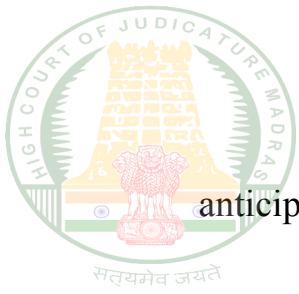
ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b) and 132 of BNS (Sections 294(b) and 353 of IPC) in Crime No.124 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, based on a secret information, the respondent police went to the spot and found that the petitioner and other accused person were in possession of 4 bottles of Liquor Monitor each containing 180 ml; and that on seeing the police, the petitioner abused the respondent police with filthy language and ran away from the spot. 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; 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 A2 in this case; that the petitioner has one previous case; that the contraband was seized from the co-accused/A1; 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 fact that the petitioner is on bail in the other case, the fact that the contraband was seized from the co-accused 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 XIV Metropolitan Magistrate Court, Egmore at Chennai** 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 on 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.

28.02.2025

stn

To
The Inspector of Police,
F 2 Egmore Police Station,
Chennai.
(Crime No.124 of 2025).



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SUNDER MOHAN, J.

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