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CRL OP NO.9385 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.9385 of 2025

Sathiya

...Petitioner/A2

Vs

The State Rep By,
The Inspector Of Police
Tirupathur Taluk
Tirupathur District.
(Cr.No 102 of 2025)

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the
event of arrest on connection with Crime No.102 of 2025 pending
investigation on the file of the respondent police.

For Petitioner : Mr.D.Balaji

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



CRL OP NO.9385 of 2025

ORDER

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The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1-A)(ii), 4(1)(C) of the TNP (Amendment) Act, in Crime No.102 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/A2, along with other accused, illegally transported 3 liters of country arrack through a bike bearing Reg.No.TN 83 MB 1201. Hence, the case.

3. The learned counsel appearing for the petitioner/A2 would submit that the petitioner is innocent and she has been falsely implicated in this case; and that the petitioner was sought to be implicated on the confession of the co-accused and hence sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that the



CRL OP NO.9385 of 2025

petitioner has eleven previous cases.

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6. 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 is made ready, before **the Judicial Magistrate No.II, Tirupathur, Tirupathur District** 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:



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CRL OP NO.9385 of 2025

[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 day at 10:30 a.m., until further orders;

[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.

28.03.2025

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CRL OP NO.9385 of 2025

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To

1. The Inspector of Police,
Tirupathur Taluk,
Tirupathur District.
2. The Judicial Magistrate No.II,
Tirupathur, Tirupathur District.
3. The Public Prosecutor,
High Court Madras.



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CRL OP NO.9385 of 2025

SUNDER MOHAN,J.

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CRL OP NO.9385 of 2025

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