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CrI.O.P.No.6 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2025

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.6 of 2025

Thulasi

... Petitioner

Vs.

State by:

The Sub Inspector of Police,
Moranam Police Station,
Thiruvannamalai District.

(Crime No.467 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to grant anticipatory bail to the
petitioner in the event of arrest in connection with the case in Crime No.467 of
2024 on the file of the respondent Police

For Petitioner : Mr.A.Anbharasu

For Respondent : Mr.S.Santhosh
Government Advocate (CrI.side)

ORDER

Apprehending arrest in connection with Crime No.467 of 2024
registered for the offences punishable under Sections 4(1)(A) and 4(1)(C) of TN
Prohibition (Amendment) Act, 2024, under Section 123 of BNS, 2023 and
under Section 24(1) of Cigarette and other Tobacco Products Act, 2003, the
present petition has been filed seeking anticipatory bail.



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2. The case of the prosecution is that the respondent police went to the petitioner's house and found that the accused were involved in the illegal selling of government liquor bottles for a higher profit. He would further submit that 40 Government Liquor Bottles were seized from the petitioner and 40 packets of Gutka were seized from the shop near the house of the petitioner. Hence, the case.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that this is the second application filed for anticipatory bail. This Court, on the submissions made by the learned Government Advocate (Crl.side) that the petitioner has two previous cases and one case is of similar in nature had dismissed the earlier anticipatory bail petition, on 03.12.2024. He would further submit that the contraband involved in this case is only 5 packets. The petitioner is a lady who is taking care of her husband who is now admitted in de-addiction centre. He further submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.5,000/-



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to any welfare scheme of the Government or any other organization.

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4. The case of the prosecution as putforth by the learned Government Advocate (Crl.side) appearing for the respondent Police is that on a secret search, 40 Government Liquor Bottles were seized from the petitioner and 40 packets of Gutka were seized from the shop. He further submitted that the respondents are taking steps to secure the petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.

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

6. Considering the facts and circumstances of the case and the earlier anticipatory bail application was dismissed on 03.12.2024 and that the respondent has not taken any steps to secure the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of "**Missionaries of**



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charity, Nirmala Shishu Bhavan, No.26/79, West Madha Church Road, Royapuram, Chennai - 600 013, A/C.No. 0042053000009382, IFSC.Code

No.SIBL0000042, South Indian Bank Limited, George Town Branch",

without prejudice to the right of defence before the trial Court and making it clear that it would not amount to admission of guilt and on such deposit and on receipt of proof of payment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Cheyyar, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), each 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] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent Police daily 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;



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[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 BNS.

06.01.2025

mn

A.D.JAGADISH CHANDIRA.,J.

mn

To

1. The Sub Inspector of Police,
Moranam Police Station,
Thiruvannamalai District.



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2. The Public Prosecutor,
High Court of Madras.

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