



Crl.O.P.No.4

**Crl.O.P.No.4585 of 2022**

**R.PONGIAPPAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable **under Sections 4(1)(aaa) r/w 4(1-A) of Tamil Nadu Prohibition Act** in Crime No.880 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 20.10.2020, the respondent police on patrol duty at Kodangudi bridge, found the petitioner that he illegally transported 120 liters of illicit arrack in a bike bearing the registration No.PY-02-T-5817 without valid license. Hence, the law enforcing agency registered a case.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offences as alleged by the prosecution. He further submitted that he has been falsely implicated in this case. Hence, he pleads for anticipatory bail.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent police submits that the property which was used in commission of offence has been recovered and the same is in the custody of the police. He further submits that there is no previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Submissions made by the learned counsel on either side are considered.

6. The respondent police registered a case against the petitioner for the offence punishable under Sections 4(1)(aaa) r/w 4(1-A) of Tamil Nadu Prohibition Act. Being the reason the property which was used in the commission of offence as well as the property which was transported was already been recovered, custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

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 days from the date of receipt of a copy of this order, before the **Judicial Magistrate Cum Munsif Court, Tharangampadi**, on



condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

**(c) the petitioner shall report before the respondent police daily at 10.00 a.m., for the period of 30 days and thereafter, as and when required for interrogation.**

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;



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(f) 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]***; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

**25.02.2022**

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