



Crl.O.P.No.4646 of 2022

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DR.JAYACHANDRAN, J.,

The petitioners apprehend arrest by the respondent police in connection with the case registered in F.I.R.,No.19 of 2022 on 17.01.2022 before this Court seeking anticipatory bail.

2. The First Information Report registered by the respondent police based on the information given by one Mohan indicates that on 17.01.2022 at 17.00 hrs, when the respondent police on the specific information that the petitioners are involved in selling illicit arrack, went for raid. On seeing the police, these petitioners fled away from the scene of occurrence. The respondent police have recovered 22 packets of illicit arrack each containing 500 ml from the spot. The arrack alleged to have smelled poisonous and therefore, sample was drawn and sent for chemical analysis. Thereby, a case came to be registered under Sections 4(1)(a) and 4(1-A) of TN Prohibition Act, saying that the petitioners have absconded from the place.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the



prosecution and they have been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. Taking note of the above, this court is inclined to grant anticipatory bail to the petitioners.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the ***learned Judicial Magistrate-V, Salem*** on condition that the each petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand Only), with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned, failing which the anticipatory bail shall stand cancelled and on further condition that:

(a) the petitioners 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;

(b) the petitioners shall report before the respondent police within seven days from the receipt of a copy of this order and continue to report daily at 10.30 a.m until for



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further orders for interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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

28.02.2022

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