



Crl.O.P.No.4586 of 2022

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R.PONGIAPPAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable **under Sections 4(1)(a), 4(1-A) of TNP Act** in Crime No.94 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 11.02.2022, the petitioners were found in possession of 48 brandy bottles without valid license. Hence, the law enforcing agency registered a case.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any such offences as alleged by the prosecution. He further submitted that they have been falsely implicated in this case. Hence, he pleads for anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submits that the property which was used for commission of offence in



the alleged occurrence 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 petitioners.

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

6. The respondent police registered a case against the petitioners for the offence punishable under Sections 4(1)(a), 4(1-A) of TNP Act. Being the reason that the property which was used in the commission of offence has been recovered, custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **District Munsif cum Judicial Magistrate, Thirukazhukundram**, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 learned Magistrate concerned and on further condition that:

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

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

(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the



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petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court themselves 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

25.02.2022

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25.02.2022