



CrI.O.P.No.18297 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 4(1)(a), 4(1)(k) r/w 24 of Tamil Nadu Prohibition Act in Cr.No 155 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent was on regular patrol, they suspected one Anantharaj who is working in the petitioner's Liquor Shop(Bar) using alcohol and investigating him, he confessed that he and the petitioner was selling liquor bottle at the prohibited time. It is further alleged that the respondent police has found that there are 78 bottles (14040 ml) in the petitioner's Bar and the same was seized by them. Hence, the complaint was registered.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the Liquor shop(Bar) and he is not there in the place of occurrence. He would further submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that when the respondent was on regular patrol, they suspected one Anantharaj who is working in the petitioner's Liquor Shop(Bar) using alcohol and investigating him, he confessed that he and the petitioner was selling liquor bottled at the prohibited time. It is further alleged that the respondent police has found that there are 78 bottles (14040 ml) in the petitioner's Bar and the same was seized by them. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Taking note of the facts and circumstances and the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 on which the order copy made ready, before ***the learned Judicial Magistrate-II, Chengalpattu*** on condition that the petitioner shall execute a 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:

[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.



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[b] the petitioner shall report before the respondent police daily at 10.30 for a period of two weeks and thereafter as and when required for interrogation.

[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 is 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 229A IPC.

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