



Crl.O.P.No.23279 of 2022

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WEB **G.K.ILANTHIRAIYAN, J.**

The petitioner, who apprehends arrest for the alleged offences under Sections 4(1)(aaa) and 4(1-A) of Tamil Nadu Prohibition Act and Sections 6 and 7 of RS Rules 2000, in Crime No.531 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent Police and their team were on regular patrol, it was found that A1 transported 35 litres of Illicit Arrack in 3 white cans, totally 105 litres in a car. Hence, a case was registered as against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case based on the confession statement of the co-accused. Hence, prays for grant of anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that based on the confession statement of A1, the petitioner has been implicated in this case. However, there are six previous cases pending as against the petitioner and as such this Court dismissed the earlier petition filed by the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the petitioner also produced a certified copy of the order passed in Dis No.2039 of 2022, dated 22.07.2022 and it revealed that the petitioner was arrested in another case on 18.07.2022. Therefore, he was not involved in the present crime.

6. A perusal of the order produced by the learned counsel for the petitioner revealed that the petitioner was arrested and remanded to judicial custody on 18.07.2022, while he was in prison for another case. After registration of present FIR, he was produced on PT warrant to show his arrest. However, it is a bailable offence and as such the Court below granted bail and directed the petitioner to produce the sureties.



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7. Taking into consideration the facts of the case and the submissions

made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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, Kancheepuram, Kancheepuram District, 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.

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m, and 05.30 p.m, for a period of six weeks and thereafter as and when required for interrogation.



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[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 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.

27.09.2022

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