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Crl.O.P.No.21859 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(aaa), 4(1-A) of TNP Act read with 6 & 7 of TN RS Rules 2000 in Crime No.478 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused had illegally transported 600 cans of illicit arrack each containing 35 liters. Hence, the case.

3. Mr. Mohamed Riyaz, the learned counsel for the petitioner would submit that the petitioner is implicated in three cases at the same time and though the case in respect of Crl.O.P.No.21764 of 2022 was registered in the year 2020 in Crime No.61 of 2020, the case in respect of Crl.O.P.No.21859 of 2022 was registered in the year 2021 in Crime No.478 of 2021 and the case in respect of Crl.O.P.No.21900 of 2022 was



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registered in the year 2021 in Crime No.244 of 2021, the petitioner has been implicated in all the cases only based on a confession recorded from the other accused and other than the confession statement, there is no other material to implicate the petitioner with the above cases. There is no other case other than these three cases pending against him and he has not been brought to any adverse notice earlier. He would submit that the petitioner is ready and willing to furnish sufficient sureties and to abide by any stringent condition that may be imposed by this Court. He would further submit that without prejudice, the petitioner is prepared to deposit a sum of Rs.1,00,000/- to the Government for any welfare purpose. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit the petitioner is the main kingpin involved in the transport of the rectified spirit from the State of Maharashtra to Tamil Nadu. He would further submit that though the petitioner hails from Kerala, he has given Maharashtra address and the petitioner is also not available at the address shown in the petition. Hence, he vehemently



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opposed to grant anticipatory bail to the petitioner.

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5. In reply, Mr.Mohammed Riyaz, the learned counsel for the petitioner submitted that the petitioner is ready and willing to furnish the proof of his permanent residence. He would further submit that the petitioner is ready and willing to abide any stringent condition that may be imposed on him and also reiterated that in all these cases the petitioner has been implicated only based on the confession statement recorded from the co-accused, who has been arrested and later released on bail.

6. Heard the learned counsel. Perused the materials available on record. Considering the facts and circumstances of the case and without prejudice, petitioner is undertaking to deposit a sum of Rs.1,00,000/- to the Government for any welfare purpose, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall produce the proof of his permanent residence to the Deputy Superintendent of Police, PEW



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Uthankarai Police Station, Krishnagiri District and shall deposit a sum of **Rs.1,00,000/-** (Rupees One Lakh only) as non refundable deposit to **“Chief Minister's Public Relief Fund, Indian Overseas Bank, Secretariat Branch, Chennai SB.A/c. No.117201000000070, IFSC Code. No.IOBA0001172”** without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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, Uthankarai**, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties (out of which one shall be a blood surety) 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:



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[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 Deputy Superintendent of Police, PEW Uthankarai Police Station, Krishnagiri District everyday at 10.30 a.m., for a period of 15 days and thereafter as and when required for interrogation. In the event of the other respondent police requiring the presence of the petitioner for enquiry, if summoned by the concerned respondent police, the petitioner shall intimate the Deputy Superintendent of Police, PEW Uthankarai Police Station, Krishnagiri District and report before the concerned respondent police 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 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]**.



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mpl/gd

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

mpl/gd

11.10.2022
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