



Crl.O.P.No.24093 of 2022

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WEB C **G.K.JILANTHIRAIYAN, J.**

The petitioner, who apprehends arrest for the alleged offence under Sections 4(1)(aaa), 4(1)(h), 4(1-A)(ii) of Tamil Nadu Prohibition Act, in Crime No.307 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 2496 packets of XXX Rum (each packet containing 90 ml). Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that this is the second anticipatory bail petition filed by the petitioner. Earlier petition filed by the petitioner was dismissed by this Court in Crl.O.P.No.20100 of 2022 dated 25.08.2022. He also submitted that the petitioner is ready and willing to abide by any stringent condition that may be imposed on him. He would further submit that only based on the confession statement of A1, the petitioner was implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused were found in illegal possession of 2496 packets of XXX Rum (each packet containing 90 ml). He would also submit that the petitioner is having three previous cases pending against him. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of **Rs.50,000/-** (Rupees Fifty Thousand only) as non refundable deposit to the credit of the **RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431** and on such deposit, 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 No.II, Thiruppathur, on condition that



the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two blood related 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 deposit a sum of **Rs.50,000/-** (Rupees Fifty Thousand only), as non refundable deposit to the credit of the **RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431.**

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

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.



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[f] 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]**.

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

10.10.2022

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