



Crl.O.P.No.23259 of 2022

Crl.O.P.No.23259 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Section 4(1)(aaa) and 4(1-A) of TNP Act, in Crime No.267 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found to be in possession of 70 Litres of ID Arrack in their house. On seeing the respondent police, the petitioners ran away from the scene of occurrence. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any such offences as alleged by the prosecution. He further submit that they have been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners were found to be in possession



CrI.O.P.No.23259 of 2022

WEB COPY

of 70 Litres of ID Arrack in their house. On seeing the police, the petitioners ran away from the place of occurrence and the respondent police had recovered the contraband. He would also submit that A1 has got five previous cases of similar in nature and as far as A2 is concerned, no previous cases against him. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the fact that A1 has got five previous cases of similar in nature, this Court is not inclined to grant anticipatory bail to the first petitioner/A1. As far as the second petitioner/A2 is concerned, this Court is inclined to grant anticipatory bail with certain conditions.

6. Accordingly, the second petitioner/A2 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, Aathur, Salem District**, on condition that the second petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties** each for a like sum to the satisfaction of the respondent police or the police officer who intends to



WEB COPY

arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand automatically dismissed and on further condition that:

[a] the second petitioner/A2 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 second petitioner/A2 shall report before the respondent police **daily at 10.30 a.m., until further orders.**

[c] the second petitioner/A2 shall not tamper with evidence or witness either during investigation or trial.

[d] the second petitioner/A2 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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]**.



WEB COPY



Crl.O.P.No.23259 of 2022

A.D.JAGADISH CHANDIRA, J.

shk

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

7. Accordingly, this Criminal Original Petition is dismissed for first petitioner/A1 and allowed for second petitioner/A2.

26.09.2022

shk

Crl.O.P.No.23259 of 2022