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CrI.O.P.No.24464 of 2022

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SATHI KUMAR SUKUMARA KURUP, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences under Sec.4(1)(aaa), 4(1-A) of Tamil Nadu Prohibition Act, 420, 471, 468 of I.P.C. and Section 7 of Tamil Nadu Rectified Spirit Rules, 2000 in Crime No.409 of 2016 on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 20.09.2016 at about 21.00 o' clock, the defacto complainant viz., Sub-Inspector of Police, along with constables received a message that the petitioners were taking white spirit of 35 litres illegally through gray colour bajaj platina two wheeler, immediately the respondent police went to the spot and caught hold of petitioners. Hence, the complaint.

3. The learned counsel appearing for petitioners would submit that the petitioners are innocent persons and they have been falsely implicated



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in this case. He would submit that they are no way connected with the occurrence. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent submitted that totally, there are 6 accused in this case and they have seized 35 litres of white spirit, which is worth about Rs.7000/-. He would submit that there is no previous case pending against the petitioner and the investigation is almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case and also considering the fact that there is no previous case pending against the petitioners, and the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned



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Judicial Magistrate, Cheyyar, 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 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 10.00 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

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



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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