



Crl.OP.No.25147 of 2022

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A.D.JAGADISH CHANDIRA, J.

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The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1-aaa) r/w 4(1-A) of TNP Act and 6, 11 of Tamilnadu Rectified Sprit Rules 2000 in Crime No.426 of 2020, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Inspector of Police is that when the respondent police was on regular patrol, found that the petitioner was in illegal possession of 105 litres of ID Arrack. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner was released on bail by the learned Principal Sessions Judge, Chengalpattu vide order dated 28.04.2020 in Suo Motu CMP.No.116 of 2020. He would further submit that the petitioner after his release was directed to appear before the learned Judicial Magistrate, Madurantakam on 15.05.2020 for executing a bond for a sum of Rs.5,000/- with two sureties, subsequently, since the respondent has registered other case, the petitioner was unable to surrender and execute sureties. On instruction, he would further



submit that the now, the petitioner is ready to execute sureties. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner after coming out of bail failed to execute sureties and that the learned Judge has stated that in the event of the petitioner failed to produce the sureties, the learned Judicial Magistrate, Madurantakam is at liberty to remand the petitioner/accused. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and the submissions made by the counsel and the petitioner has voluntarily come forward to execute sureties, this Court is inclined to grant anticipatory bail with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non-refundable deposit either through RTGS/NEFT or in cash in favour of “ ***The Taluk Legal Service Authority attached to the Concerned Court***” 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 District Munsif-Cum-Judicial Magistrate, Cheyyur*** 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 *learned District Munsif-Cum-Judicial Magistrate, Cheyyur* on the first working day for a period of two months and thereafter on the dates fixed by the learned Judicial Magistrate.

[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



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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.

18.10.2022

Vv

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