



Crl.O.P.No.25931 of 2022

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G.K.ILANTHIRAIYAN, 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 T.N.P. Act r/w Sections 4 and 5 of TNRS Rules 2000 (Transporting), in Crime No.1783 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused were found in illegal possession of 35 litres of ID arrack. Further, the respondent police seized 465 litres of ID Arrack from the occurrence place. 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 would further submit that the main accused persons in this case was arrested and released on bail. He would also submit that he is ready and willing to abide any stringent condition that may be imposed on him. Hence, he prays for anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor appearing for the respondent submits that the ID arrack involved is 465 litres. He would further submit that the petitioner had earlier filed anticipatory bail petition in Crl.O.P.No.18323 of 2022 and this Court had dismissed the same on 04.08.2022. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. It is seen that though this Court had dismissed the anticipatory bail petition in earlier occasion, the respondent failed to secure the petitioner. Therefore, the custodial interrogation of the petitioner is not required.

6. Considering the above fact and circumstances of the case and custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall donate a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the METTUR PAVENTHAR BHARATHIDASAN NARPANI MANDRAM; A/c No : 6527280724; IFSC code : IDIB000M034; Bharathi Nagar, Mettur



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Dam-1, Salem District; for the purpose of constructing library, and on such donation 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, Nagapattinam**, 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 donate a sum of **50,000/-** (Rupees Fifty Thousand only) to the credit of the **METTUR PAVENTHAR BHARATHIDASAN NARPANI MANDRAM**; A/c No : 6527280724; IFSC code : IDIB000M034; Bharathi Nagar, Mettur Dam-1, Salem District.



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[c] the petitioner shall report before the Inspector of Police, Nagapattinam Police Station daily at 10.30 a.m., and 5.30 p.m., until further orders.

[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.

[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.

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