



Crl.O.P No.25407 of 2022

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WEB C **A.D.JAGADISH CHANDIRA.J.,**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 4(1)(aaa) and 4(1-A) of TNP Act and Section 7 of Tamil Nadu Rectified Spirit Rules Act, 2000, in Crime No.616 of 2021 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 to be in illegal transportation of 10,850 litres of rectified spirit and on seeing the respondent police, he ran away from the scene of occurrence. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is arrayed as A6. The other accused persons/A1, A2 and A4 had been arrested and released on bail and the petitioner has been implicated based on the confession statement recorded from the arrested accused. He would further submit that the petitioner is resident of Kerala and he is presently affected by Diabetes and his right toe has been amputated. However, on instructions, the petitioner without prejudice to his defence, is prepared to make considerable



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with two sureties, of which one should be a blood related surety 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 produce the proof of his permanent resident.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[d] the petitioner shall not commit any offences of similar nature;

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

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

[g] 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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petitioners in accordance with law as if the conditions have been imposed and the petitioner/s 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]**.

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

19.10.2022

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