



Crl.O.P.No.30210 of 2022

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 4(1-A), 4(1)(aa) of Tamil Nadu Prohibition Act in Crime No.227 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on secret information, the defacto complainant conducted raid and recovered 55 litres of Arrack from one Arun/A1 and during enquiry, he confessed the name of the petitioner/A2. Based on the confession statement of A1, the defacto complainant lodged a complaint against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner is no way connected with the occurrence as alleged by the prosecution and based on the confession statement of A1, he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the



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petitioner.

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4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there is one previous case similar in nature pending against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.Side), this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned **Judicial Magistrate, Sankarapuram**, 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



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further condition that:

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[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 is directed to report before the respondent police on every Wednesday at 10.30 a.m., until further orders;

[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 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**



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[(2005)AIR SCW 5560];

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

08.12.2022

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