



Crl.O.P.No.30378 of 2022

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T.V.THAMILSELVI, J.

The petitioner who apprehend arrest for the alleged offence under Sections 4(1) (a), 24 of Tamil Nadu Prohibition Act in Crime No. 1069 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that, while searching the bar attached to shop No.8887 of Ambatur Estate, Chennai, the respondent police found the petitioner while selling Brandy bottles beyond the permitted hours and seized 32 brandy bottles. Hence, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submit that the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a some amount to the charitable Trust as imposed by this Court. Learned counsel



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prays to grant anticipatory bail to the petitioner.

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4.The learned **Government Advocate (Crl side)** submits that the petitioner sold the brandy bottles beyond the permitted hours. Further he submitted that there is no previous case pending against the petitioner. However, he vehemently oppose for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that there is no previous case pending against the petitioner, 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, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Ambattur**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with



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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 shall deposit a sum of **Rs.10,000/- (Ten Thousand Only)** to the credit of **Tamil Nadu Advocate Clerks Association, Chennai, within a period of two weeks from the date of receipt of copy of this order**, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

[b] 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.

[c] the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. for a period of three months and thereafter appear before the Trial Court on every hearing.

[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.



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[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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