

CRL.O.P.No.30629 of 2022WEB COPY **T.V.THAMILSELVI, J.**

The petitioner, who apprehends arrest for the alleged offences under Sections 4(1)(i), 4(1) (aa) r/w 24 of Tamil Nadu Prohibition Act in Cr.No.336 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the respondent police on routine check up found one person Jayaprabu/A1 who confessed that one Dhanabalakrishnan/A3 along with another person are running the Bar and selling liquor during the Government holidays to make huge profits. Based on the confession the respondent police recovered 494 brandy bottles and Rs.2100. Hence, the case.

3. The learned counsel appearing for the petitioner submits that he is no way connected with the alleged occurrence and he has been falsely implicated in this case. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, he is ready and willing to contribute some amount to any charitable trust as



imposed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that the petitioner is the owner of the Tasmac shop and had opened the shop during the Government holidays to make profit and based on the confession statement given by one Jayaprabu/A1 the respondent police recovered 494 brandy bottles and Rs.2100/-. He further submitted that there are no previous case against this petitioner. Hence, he opposed for granting 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. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Sriperumbudhur, 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



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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 is directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand Only) to the credit of Sevalaya, No.F2, Pushkarani Apartment, 12 Ananda Road, Alwarpet, Chennai 600 018. Account No.SEVALAYA A/c.No.218601000134, ICICI Bank, Mylapore Branch, Chennai 600 004, IFSC Code: ICIC0002186, Cell No.99414 50444, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[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 is directed to report before the respondent police **daily at 10:30 a.m., for a period of four weeks and thereafter as and when required for interrogation.**

[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.

14.12.2022

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