



Crl.O.P.No.31635 of 2022

Crl.O.P.No.31635 of 2022

WEB COPY

T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 4(1)(aa) and 4(1)(h) of Tamil Nadu Prohibition Act in Crime No.501 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that on 14.12.2022, when the respondent police was on patrol, the petitioner was found in illegal possession of 154 bottles of Diamond Rule, 18 bottles of Old Mank Rum, 8 bottles of McDowell Rum, each containing 180 ml and 28 bottles of British Rum, each containing 650 ml and the same has been seized. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. However, on instructions, the learned counsel submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.10,000/- to the credit of the Registered Advocates



Crl.O.P.No.31635 of 2022

WEB COPY

Clerks Association, Tirupattur, that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was found in illegal possession of of 154 bottles of Diamond Rule, 18 bottles of Old Mank Rum, 8 bottles of McDowell Rum, each containing 180 ml and 28 bottles of British Rum, each containing 650 ml. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case, 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 No.II, Thirupathur**, 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



Crl.O.P.No.31635 of 2022

WEB COPY

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.10,000/- (Rupees Ten Thousand only)** to the credit of Registered Advocates Clerks Association, Tirupattur 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 on every Saturday at 10.30 a.m., for a period of eight (8) weeks;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



WEB COPY



Crl.O.P.No.31635 of 2022

T.V.THAMILSELVI,J.

sp

[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.

22.12.2022

sp

Crl.O.P.No.31635 of 2022