

**Crl.O.P.No.1459 of 2023****T.V.THAMILSELVI, J.**

The petitioners, who apprehend arrest for the alleged offences punishable under Sections 4(1)(aaa) read with Section 4(1-A) of Tamil Nadu Prohibition Act in Crime No.12 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioners were found in illegal transportation of 1560 brandy bottles and 20 litres of ID arrack. Hence the complaint.

3. The learned counsel appearing for the petitioners submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submits that the petitioners, on their own volition, are ready and willing to contribute some amount for charitable purpose that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioners were found in illegal transportation of some 1560 brandy bottles and 20 litres of ID arrack. He further submits that co-accused already released on bail. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that co-accused already released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned **District Munsif cum Judicial Magistrate, Kilvelur**, on condition that each of the petitioners 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 further condition that:



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[a] each of the petitioners is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, to the credit of the **Registered Advocate Clerk Association, Puducherry** as a non refundable deposit, 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 petitioners 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 petitioners are directed to report before the respondent police on every Wednesday at 10.30 a.m., for a period of six weeks and thereafter as and when required for interrogation;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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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25.01.2023

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