



Crl.O.P.No.3169 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 4(1)(aaa) r/w 4(1-A) of TNP Act, in Crime No.235 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 20.10.2022, when the respondent police received a secret information conducted raid near Neikunnam, at that time, they found that the petitioner along with other accused were found in illegal possession of 110 litres of ID Arrack. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. However, on instructions, the learned counsel further submits that the petitioner without prejudice his rights, on his own volition, is ready and willing to contribute some amount to any charitable trust



Crl.O.P.No.3169 of 2023

as may be directed by this Court and he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with other accused were found in illegal possession of 110 litres of I.D. Arrack. He further submits that the investigation is almost completed. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and the submissions made by both the counsels and also the fact that the petitioner without prejudice his rights, on his own volition, is ready and willing to contribute some amount to any charitable trust, this Court is inclined to grant anticipatory bail to 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 (15) days from



CrI.O.P.No.3169 of 2023

the date of receipt of a copy of this order before the *learned Judicial Magistrate No.II, Nagapattinam*, 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 and on further condition that:

(a)the petitioner is directed to deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Registered Advocates Clerks Association, Nagapattinam District**, 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] **the petitioner shall report before the Trial Court daily at 10.30 a.m., for a period of eight weeks;**

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

T.V.THAMILSELVI, J.



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Crl.O.P.No.3169 of 2023

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[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 has been imposed and the petitioner is 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]***; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

13.02.2023

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Crl.O.P.No.3169 of 2023