



CrI.O.P.No.3916 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence punishable under Section 4(1)(aaa) of TN Prohibition Act in Cr.No.31 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent police were conducting regular checking near Aarkadu TASMACH Shop, the petitioner and the accused A1 were standing near the shop with plastic cover and when they saw the respondent police, the petitioner/Accused A2 escaped from the scene of occurrence and the accused A1 got arrested with 110 Litres of Pongy Arrack. Hence, this complaint.

3. Learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioner.



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4. Learned Government Advocate (CrI.side) submits that the petitioner along with accused A1 were involved in transportation of 110 Litters of Pondy Arrack. He further submitted that, there is one previous case pending against the petitioner/accused A2. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that the petitioner on his own volition, is ready to deposit an amount of Rs.10,000/- to the credit of the Advocate Clerks Welfare Association, Nagapattinam District, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to make a non-refundable deposit of a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Advocate Clerks Welfare Association, Nagapattinam District within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the **learned Judicial Magistrate Court,**



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Vedaranyam, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioner shall make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of the Advocate Clerks Welfare Association, Nagapattinam District, within a period of four weeks from the date of receipt of a copy of this order.

(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 respondent police on every Tuesday at 10.30 a.m. for a period of six weeks;

(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

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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]*; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

27.02.2023

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