



Crl.O.P.No.6168 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 4(1-A) of the Tamil Nadu Prohibition Act, 1937, in Crime No.93 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on 06.02.2023 at about 6.00 a.m., during regular patrol conducted by the respondent police along with their police men within the limits of police station, they found that the petitioner was in possession of Liquor (6 bottles of Honey Day Brandy each contains 180 m.l., and 14 bottles of Old Chef Brandy each contains 180 m.l.) in a polythene bag. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated by the respondent police. He further submitted that the petitioner has no previous case against him. He also submitted that the petitioner is ready



Crl.O.P.No.6168 of 2023

and willing to furnish solvent sureties and abide by any stringent condition that may be imposed on him. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent police submitted that the petitioner was in possession of liquor (6 bottles of Honey Day Brandy each contains 180 m.l., and 14 bottles of Old Chef Brandy each contains 180 m.l.) in a polythene bag. He further submitted that there is no previous case pending as against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case and also the submissions of either sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



Crl.O.P.No.6168 of 2023

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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate, Thiruvottiyur**, on condition that **the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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.

[b] **the petitioner shall report before the respondent police every day at 10.30 a.m., until further orders.**



Crl.O.P.No.6168 of 2023

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

23.03.2023

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Crl.O.P.No.6168 of 2023

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Crl.O.P.No.6168 of 2023

23.03.2023