



Crl.O.P.No.11487 of 2023

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V.LAKSHMINARAYANAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act in Crime No.268 of 2021, on the file of respondent police, seeks anticipatory bail.

2. The case of prosecution is that on 04.06.2021 around 14.00 hours, while the respondent police was on patrol duty near Genranpalayam checkpoint proceeding from east to west direction, they intercepted a two wheeler and on seeing them, the petitioner along with other accused tried to escape from the place of occurrence, however, they caught hold of him and on search, they were said to have found in illegal possession of 40 litres of Pondicherry ID arrack in 4 polythene covers, each contains 15 litres. Hence, the complaint.

3. The learned counsel for petitioner submitted that only based on the confession statement of A1, the petitioner is implicated as accused in this



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case and he is an innocent person and he has not committed any of offence as alleged in the complaint. He would also submit that earlier, this court already granted anticipatory bail in Crl.O.P.No. 16850 of 2022, but due to suffering of Covid-19, he was not able to comply the conditions imposed by this court. He would further submit that the petitioner is ready to cooperate with the investigation and also abide by any condition imposed by this court. He would submit that this is the third petition seeking for anticipatory bail. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent raised objection stating that even though this court granted anticipatory bail to the petitioner with certain conditions, he has not complied any of conditions imposed by this court. Hence, if he is granted anticipatory bail, he will tamper the witnesses and hamper the investigation. He would also submit that this is the third petition seeking for anticipatory bail. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Considering the above facts and circumstances of the case, and considering the fact that the investigation is almost completed and also the fact that the petitioner is said to be found in possession of having 40 litres of Pondicherry ID arrack and it is also being humongous quantity, 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 days from the date on which the order copy made ready, before the learned Judicial Magistrate-I, Villupuram, on condition that **the petitioner shall deposit a sum of Rs.10,000/- (Rupees ten thousand only) to the credit of Government Hospital, Villupuram** and the petitioner shall also 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 and the sureties shall affix their



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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 appear before the respondent police everyday twice in the morning at 10.30 a.m. and evening at 06.00 p.m. for the period of four weeks and thereafter, as and when required for the investigation.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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