



Crl.O.P.No.11439 of 2023

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V.LAKSHMINARAYANAN. J.,

The petitioner, who apprehends arrest for the alleged offences under Section 4 (1) (a) of the Tamil Nadu Prohibition Act in Cr.No.397 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, while driving his two wheeler bearing No.TN 20 CQ 7345 (Black Honda Dio), was caught with 24 Kingfisher Beer Bottles each contains 650 ml and it was purchased from Andhra Pradesh Government Liquor Shot with the purpose of selling within the jurisdiction of the respondent Police. Hence the case.

3.The learned counsel appearing for the petitioner submits that the petitioner is innocent, law abiding citizen and has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The petitioner is ready to furnish substantial sureties and any conditions to be imposed by this Court for grant of anticipatory bail.



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Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) submits that the said bottles were seized by the respondent police and the petitioner is having no previous case. However, he opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submission made on either side, 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/her/their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Thiruthani, Thiruvallur District** 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



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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) if the petitioner fails to surrender before the concerned Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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 **as and when required** for interrogation;

(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 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.

26.05.2023

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