



Crl.O.P.No.11660 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), 4(1-A) of Tamil Nadu Prohibition Act in Crime No.28 of 2023, on the file of respondent police, seeks anticipatory bail.

2. The case of prosecution is that on 24.04.2023 around 11.30 hours, based on a secret information, when the respondent police made their routine check up, they have intercepted the petitioner's two wheeler and on search, they found him in illegal possession of 15 bottles of liquor without any valid license. Hence, the complaint.

3. The learned counsel for petitioner submitted that the respondent police foisted a case against this petitioner for the statistical purpose and and he is an innocent person and he is no way connected with the offence as alleged in the complaint. He would submit that the petitioner is the only bread-winner of his family and he is ready to cooperate with the



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investigation and also abide by any condition imposed by this court. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent raised objection stating that on the date of occurrence, when the respondent police made a routine check-up, they intercepted the petitioner's two wheeler and on search, they have recovered 15 bottles of liquor from the petitioner. He would further submit if he is granted anticipatory bail, he will tamper the witnesses and hamper the investigation. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

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 respondent police recovered 15 bottles of liquor from him, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 No.II, Ariyalur, 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 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 appear before the respondent police 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.



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[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.

24.05.2023

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