



Crl.O.P.No.11582 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)(aaa) r/w 4(1-A) of Tamil Nadu Prohibition Act in Crime No.53 of 2023, on the file of respondent police, seeks anticipatory bail.

2. The case of prosecution is that on 12.05.2023, when the respondent police was on usual check-up at Thirukannapuram area, they found the petitioner was standing in a suspect manner in the backyard of his house, and on seeing them, he tried to escape from the place of occurrence, however, they caught hold of him and on search, they found him in illegal possession of 60 litres of Pondicherry ID arrack in 2 bags. Hence, the complaint.

3. The learned counsel for petitioner submitted that on the date of occurrence, the petitioner and his villagers were sitting in a common place of village and speaking themselves and at the time, the respondent police asked



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them to leave the place, when it was questioned by them, there was a wordy quarrel between them, due to which, in retaliation, the respondent police registered the case against him. He would further submit that the respondent police implicated the petitioner name in the case only for statistical purpose without any proper investigation and for satisfaction of higher officials. He would also submit that he is an innocent person and he has not committed any of offence as alleged in the complaint. He would submit that the petitioner is ready to cooperate with the 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 was on routine check-up, they intercepted the petitioner and on search, they found him in illegal possession of 60 litres of Pondicherry arrack. 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.



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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 60 litres of pondy 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 No.II, Nagapattinam, on condition that **the petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) to the credit of District Government Hospital, Nagapattinam** 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:



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[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 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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