



Crl.O.P.No.12122 of 2023

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V.LAKSHMINARAYANAN. J.,

The petitioners, who apprehend arrest in connection with C.C.No.142 of 2020 for the alleged offences under Section 4 (1) (aaa) r/w. Section 4 (1-A) of the Tamil Nadu Prohibition Act pending trial on the file of the District Munsif Cum Judicial Magistrate, Nannilam in Cr.No.205 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were in illegal possession of 500 litres of liquor, hence the case.

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



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anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) submits that the value of the liquor bottles is approximately Rs.1,00,000/- and there are eight previous cases as against the petitioners. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

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 petitioners with certain conditions.

6. Accordingly, the petitioners are 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 ***District Munsif Cum Judicial Magistrate, Nannilam*** on condition that the petitioners shall execute separate bond each 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



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who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioners fail 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 petitioners shall report before the respondent police as and when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take



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appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

26.05.2023

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