



Crl.O.P.No.14124 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act in Crime No.302 of 2023 on the file of the respondent police, seek anticipatory bail.

2. Learned counsel for the petitioners submitted that, petitioners are falsely implicated in this case in Crime No.302 of 2023 for the offences under Sections 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act. There was no recovery from the petitioners. Apprehending arrest at the hands of the respondent, this petition is filed.

3. Learned Government Advocate (Criminal side), opposes on the ground that, on 26.05.2023 at about 13.00 hours, respondent police found that, one male and two female at Othiyur Village in a suspicious circumstances. When they approached, two persons escaped from that place. One Bavani was arrested and she was found in possession of 3 litres of illicit liquor. On the basis of the confession statement, first



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information report was registered for the offences under 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act. Thus, he prays for dismissal of this petition.

4. Considering the nature of allegations made against the petitioners and that petitioners were arrested, only on the basis of the confession statement of co-accused and there is no recovery from them and also the fact that there is no previous case pending against the petitioners and that material part of the investigation might have been over by this time, this Court is of the view that, custodial interrogation of the petitioners is not necessary and the petitioners are 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 District Munsif cum Judicial Magistrate, Cheyyur** on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) each 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



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shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners without prejudice to their defence shall deposit a non-refundable sum of Rs.5,000/- each to the Tamil Nadu Social Welfare Association Online donation S.B. A/C.No.1040101021223, Canara Bank, Arumbakkam Branch. HDFC Bank, Nelson Manickam Road, S.B.A/C No.50100000788448. Google pay: 7449247213 and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioners deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

[c] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders;



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[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 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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