



Crl.O.P.No.14379 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner, A.Sakthivel, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 4(1) (a) and 4 (1-A) of TN Prohibition Act, in Crime No.138 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that there is nothing stated about the petitioner in the FIR. Petitioner is implicated in this case as an accused on the basis of the confessional statement of first accused. There is no recovery made from this petitioner. Thus, he prays for anticipatory bail for the petitioner.

3. In response, the learned Government Advocate (Crl.Side) submitted that on 26.05.2023, at about 8.00 a.m., near Vaanamadevi colony, when the police officials were in their routine check up, they recovered 25 packets of illicit arrack from the first accused. As per the confessional statement of first accused, this arrack was supplied by the petitioner. There is no recovery made from this petitioner.



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4.It is seen from the petition that petitioner is implicated only on the basis of the confessional statement and there is no recovery made from the petitioner. There is no other incriminating material produced except the confessional statement of first accused, who is a co-accused in this case. Liquor was seized. In the said circumstances, this Court is of the view that custodial interrogation of the petitioner is not necessary and this Court is inclined to grant anticipatory bail to the petitioner. Therefore, 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 - I, Cuddalore**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 report before the respondent police everyday at 10.30 a.m., until further orders;

[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.

21.07.2023

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