



Crl.O.P.No.15020 of 2023

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G.CHANDRASEKHARAN. J.,

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences under Section 4 (1) (aaa) and 4 (1-A) (II) of Tamil Nadu Prohibition Act in Crime No.64 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.It is the submission of learned counsel for the petitioner that petitioner is falsely implicated as accused in Cr.No.64 of 2021 for the offences under Section 4 (1) (aaa) and 4 (1-A) (II) of Tamil Nadu Prohibition Act. The First Information Report was registered on 01.04.2021. He is not arrested so far. Apprehending arrest, this petition is filed for anticipatory bail.

3.In response, the learned Government Advocate (Criminal side) submitted that since the petitioner was absconding, he could not be arrested. Investigation in this case is completed and final report is ready.



Crl.O.P.No.15020 of 2023

WEB COPY

4.Considered the submissions and perused the records

5.To a question to the the learned Government Advocate (Criminal side), as to whether the sample was sent for chemical analysis and report received, the learned Government Advocate (Criminal side) is not able to get clear instructions from the respondent Police

6.Considering the fact that First Information Report was registered on 01.04.2021, and till now the respondent Police has not taken any effective steps for arresting the petitioner, there is no point in keeping this case pending without any progress. To make the case progress to next level, the presence of the accused is necessary. In such circumstances, 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, Chengum**, 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

Page 2 of 4



CrI.O.P.No.15020 of 2023

WEB COPY

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 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.

07.07.2023

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