



Crl.O.P.No.15333 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 Sections 4(1)(aa), 4(1-H)(ii) of T.N.P Act in Crime No.263 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioner submitted that, petitioner is innocent and he has been falsely implicated in a case registered for the offences under Sections 4(1)(aa), 4(1-H)(ii) of T.N.P Act in Crime No.263 of 2023. Apprehending arrest, this petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that, at about 15.06.2023 at about 22.30 hrs, when the respondent police conducted vehicle check up near Narasinganallur, they found that the petitioner was found in possession of Monitor Brandy – 40 (each containing 180 ml), Varion Brandy – 9, Golden Eagle -1, totally 48 bottles in his unnumbered TVS EL Heavy Duty. He further submitted that, there is no previous case pending against the petitioner.



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4. Considering the nature, facts and circumstances of the case ,
in which the alleged liquor and the two wheeler has been recovered from
the petitioner and also considering that there is no previous case pending
against the petitioner, this Court is inclined to grant anticipatory bail to
the petitioner for the reason that custodial interrogation of the petitioner
is not necessary.

5. Accordingly, 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, Chengam** 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 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 deposit a non-refundable sum of Rs.10,000/- (Rupees Ten Thousand Only), by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; Payment of this amount will not amount to admission of guilt of the petitioner.

[c] the petitioner shall report before the respondent police daily at 10.30.a.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[f] 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].

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

13.07.2023

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