



Crl.O.P.No.15483 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 4(1) (a) & 4(1-A) of TN Prohibition Act, in Crime No.112 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that petitioner has been falsely implicated in this case on suspicion. There is no recovery made from the petitioner. Apprehending arrest, this petition has been filed.

3. In response, the learned Government Advocate (Crl.Side) submitted that on 19.05.2023, at about 8.30 a.m., when the respondent police were in their routine supervision, they found Siva @ Sivakumar behind his house. On seeing the police he escaped. Later, they found 62 bottles of liquor in a plastic bag in the scene of occurrence.



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4.Considering the fact that there was no recovery from the petitioner and the petitioner is implicated as an accused assuming that he escaped from the scene of occurrence and the fact that there was no previous case pending against the petitioner, 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, Vandavasi**, 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 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.



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[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.

14.07.2023

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