



Crl.O.P.No.15749 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)(aaa) and 4(1)(h) of Tamil Nadu Prohibition Act, in Crime No.36 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that petitioner is falsely implicated in this case in Crime No.36 of 2023, for the offences under Sections 4(1)(aaa) and 4(1)(h) of Tamil Nadu Prohibition Act, on the basis of the confession statement of the co-accused. Apprehending arrest at the hands of the respondent, this petition is filed.

3. Learned Government Advocate (Crl.side) submitted that on 09.06.2023, at about 8.00 a.m., police party found the first and second accused illegally transporting 259 litres of liquor from Karnataka in a Car bearing No.KA 03 M 4878. It is seen from the confession statement that petitioner had financed Rs.80,000/- for procuring the liquor. Investigation in this case is pending. Thus, he prays for dismissal of this



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petition.

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4.Considering the nature of allegations made against the petitioner that he financed for the procurement of liquor and that the liquor was seized, this Court is of the view that custodial interrogation of the petitioner is not necessary and 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, Sholingur**, 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:

[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 without prejudice to his



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defence shall deposit a **non-refundable sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** to **The Dean, Rajiv Gandhi Government General Hospital, Chennai, bearing A/c. No.10273425961, State Bank of India, Park Town (Chennai), 68, Evening Bazaar Road, Chennai, IFSC:SBIN0001856** 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 petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

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

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

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

[f] On breach of any of the aforesaid conditions,



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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.

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