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Crl.O.P.No.15730 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)(h) of the Tamil Nadu Prohibition Act in Crime No.68 of 2023** on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case only for the reason that there are previous cases pending against him. Apprehending arrest in Crime No.68 of 2023 registered for the offences under Section 4(1)(h) of the Tamil Nadu Prohibition Act, this petition is filed by the petitioner.

3. In response, learned Government Advocate (Criminal side) submitted that on 21.05.2023, at about 16.00 hrs, the respondent police found the accused near the TASMACH shop, standing in a suspicious manner. On seeing the police, he escaped. On verification, police found that the accused had left a box



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containing six Monitor brandy bottles each measuring 180 ml.

Suspecting that the brandy bottles might have been mixed with some poisonous substance, this case came to be registered.

4. When this court asked as to whether any samples were taken and sent for chemical analysis, learned Government Advocate (Crl.side) on instructions given by Mr.Purushothaman, SSI submitted that, so far no samples were sent for chemical analysis.

5. A basic and essential requirement in a case like this is to send the samples for chemical analysis and that is not done. Thus, this court is of the view that respondent police has filed this case only for the sake of statistical purpose.

6. In the said circumstances, this Court is of the view that, custodial interrogation of the petitioner is not necessary. 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 Court, Sankarapuram**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five**



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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 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.



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[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.

20.07.2023

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