



Crl.O.P.No.15810 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 4 (1)(a), 4 (1-A) & 4(1)(g) of TN Prohibition Act, in Crime No.225 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.It is the submission of the learned counsel for the petitioners that petitioners are charged for the offences under Sections 4 (1)(a), 4 (1-A) & 4(1) (g) of TN Prohibition Act, in Crime No.225 of 2023. There was no recovery made from the petitioners. On suspicion and on the information provided by certain persons, they are shown as accused. There are no incriminating materials available against the petitioners to implicate them as accused. Thus, he seeks for anticipatory bail for the petitioners.

3.In response, the learned Government Advocate (Crl.side) submitted that on 21.06.2023 at about 16.00 hours, when the defacto complainant was in routine check up, she found three persons near



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Echangadu village with 8 plastic cans. On seeing the defacto complainant, they escaped from the spot. On search, defacto complainant found 25 litres of illicit liquor and 1600 litres of fermented wash. He further submitted that investigation in this case is pending and petitioners have no similar case pending against them.

4.Considering the fact that illicit liquor and fermented wash are recovered and that petitioners are shown as accused on the information provided by certain persons and that petitioners have no similar case pending against them, this Court is of the view of that custodial interrogation of the petitioners is not necessary. Petitioners are directed to make a non-refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only) each by way of Demand Draft/RTGS/NEFT** to the credit of the **Chief Minister's Public Relief Fund, Finance (CMPRF) Department,** Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN:AAAGC0038F, without prejudice to their rights and contentions



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before the trial Court, on such deposit and production of proof, petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate No.I, Kallakurichi**, on condition that petitioners shall execute separate 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 petitioners 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 petitioners shall report before the respondent police everyday morning at 10.30 a.m. and evening 5.00 p.m. until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either



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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 petitioners 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.

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