



Crl.O.P.No.16054 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner namely Balagopalan @ Balakumaran @ Balaji who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 4(1)(aaa) read with Section 4(1-A) of Tamil Nadu Prohibition Act in Crime No.298 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 under Sections 4(1)(aaa) read with Section 4(1-A) of Tamil Nadu Prohibition Act in Crime No.298 of 2023. Apprehending arrest, this petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that, on 29.06.2023 at about 12.30 hrs, when the respondent police mounted a surveillance at Vanjchur to Kangallacheri main road near Fisheries College, they found a two wheeler bearing Reg.No.TN 45 AP 5433 with two sacs. When the police stopped them, they attempted to escape. On search, they found 55 litres of pondy arrack and 700 bottles



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of Brandy bottle. Liquor and the vehicle involved had been seized. He further submitted that, there is no previous case pending against the petitioner.

4. Considering the nature, facts and circumstances of the case, in which, both the 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 No.II, Nagapattinam** 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



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which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[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][b] the petitioner without prejudice to his defence shall deposit a non-refundable sum of Rs.25,000/-, by way of Demand Draft to 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 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.



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[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.

[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.

24.07.2023

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