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Crl.O.P.No.16276 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)(aaa) & 4(1-A) of TN Prohibition Act in Crime No.90 of 2023** on the file of the respondent police, seeks anticipatory bail.

2. It is submitted by the learned counsel for the petitioner that petitioner is falsely implicated in Crime No.90 of 2023 registered for the offences under Section 4(1)(aaa), 4(1-A) of TN Prohibition Act. Apprehending arrest, this petition is filed by the petitioner.

3. In response, learned Government Advocate (Crl.side) submitted that, on 20.02.2023, at about 15.00 hrs, respondent police near Paravai Check-post found a two-wheeler bearing Reg.No.TN-51-AR-3741. They stopped the two-wheeler and found that it was driven by one Mathankumar. On verification it was found that, he carried 110 litres of illicit liquor in two polythene bags, each carrying



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55 litres. The liquor and the vehicle were seized. As per the confession statement of accused Mathankumar, it was the petitioner who supplied the liquor.

4. This Court asked the learned Government Advocate (Crl.side) as to whether he has any other incriminating materials available against the petitioner except the confession statement of the accused Mathankumar. Learned Government Advocate (Crl.side), on instructions from Mr.Anandrajan, Inspector of Police, stated that there is no other incriminating material available against the petitioner except the confession statement of the co-accused.

5. In the said circumstances, this Court is inclined to grant anticipatory bail to the petitioner with conditions. 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 District Munsif cum Judicial Magistrate, Kilvelur**, 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



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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.

01.08.2023

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