



Crl.O.P.No.16718 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner namely Vijayakumar, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 4(1)(a), 4(1)(h) of Tamil Nadu Prohibition Act in Crime No.200 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated in this case on the basis of the confessional statement of A1 & A1. Apprehending arrest, this petition is filed.

3. The learned Government Advocate (Crl. Side) submitted that, on 05.06.2021, at about 06.00.a.m., when the respondent police was involved in regular vehicle check near Randham Check Post, they found a four wheeler bearing Reg.No.TN 31 BW 2734 SWARAJ MAZTHA in a suspicious circumstances. On search, they found the following tobacco products:

1. Royal Palace Brandy – 17 Bottles (each 180 ml)



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2. Oriyan Choice Brandy – 4 Bottles (each 180 ml)

He further submitted that, petitioner is the 3rd accused and only on his advice, A1 & A2 had transported the liquor.

4. Considering the nature, facts and circumstances of the case and the fact that petitioner is implicated based on the confession statement of the co-accused and there is no previous case pending against the petitioner and also having regard to the fact that, despite registration of the FIR on 05.06.2021, respondent police have not taken any steps for arresting the accused and that substantial part of the investigation might have been over by this time, 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 their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate, Cheyyar, Thiruvannamalai** on condition that the petitioner shall execute separate bond for a sum of **Rs.25,000/- (Rupees**



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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 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 defence shall deposit a non-refundable sum of **Rs.10,000/-(Rupees Ten Thousand Only)**, 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



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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 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.



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