



Crl.O.P.No.17416 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner/A2 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(i), 4(1)(aaa) and 4(1-A) of Tamil Nadu Prohibition Act in Crime No.89 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that A1 in this case, was in possession of 110 litres of ID Arrack and when seeing the respondent police, A1 tried to escape and respondent police caught him along with 110 litres of ID arrack and arrested him and based upon his confession, it is found that A1 has got the ID arrack from this petitioner/A2, who is a Police Constable. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that in a connected case in Cr.No.90 of 2023, the very same petitioner is granted Anticipatory Bail in Crl.O.P.No.16276



Crl.O.P.No.17416 of 2023

of 2023. Therefore, he prays for grant of bail to the petitioner.
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4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the petitioner is a Police Constable and he is found to have given 110 litres of ID arrack to A1 in this case and hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and submissions of the learned Counsel and also the fact that the petitioner has been granted anticipatory bail in another case of similar nature in Cr.No.90 of 2023 in Crl.O.P.No.16276 of 2023 on 01.08.2023, this Court is inclined to grant anticipatory bail to the petitioner herein subject to certain conditions.

6.Accordingly, 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 **District Munsif cum Judicial Magistrate, Kilvelur**, on condition that



Crl.O.P.No.17416 of 2023

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the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties 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 daily 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;

[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



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Crl.O.P.No.17416 of 2023

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;

09.08.2023

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Crl.O.P.No.17416 of 2023

RMT.TEEKAA RAMAN, J.

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Crl.O.P.No.17416 of 2023

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