



Crl.O.P.No.16546 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner namely G.Murugan, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 4(1)(a) r/w 4(1-A) of Tamil Nadu Prohibition Act in Crime No.240 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that, petitioner is falsely implicated in this case in Crime No.240 of 2023 for the offences under Sections 4(1)(a) r/w 4(1-A) of Tamil Nadu Prohibition Act. Petitioner is innocent. Apprehending arrest at the hands of the respondent, this petition is filed.

3. Learned Government Advocate (Criminal side), opposes this petition, on the ground that, on 10.07.2023, at about 06.30 p.m., the respondent police mounted surveillance at Cheyyar Town, Irungal Village, and found accused in two wheeler bearing No.TN 02 BT 0500. On seeing the police, accused escaped. The respondent found 15 bottles, each 180 ml of liquor in the two wheeler. The liquor and two wheeler were seized.



CrI.O.P.No.16546 of 2023

Petitioner has no previous case pending against him. Thus, he prayed for dismissal of this petition.

4. Considering the nature of the allegations made in the first information report, and that two wheeler and liquor had been seized and that petitioner has no previous case pending against him and that the material part of the investigation might have been over by this time, this Court is of the view that, custodial interrogation of the petitioner is not necessary and 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 Judicial Magistrate, Cheyyar, Tiruvannamalai District**, 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 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



Crl.O.P.No.16546 of 2023

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/-, by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai 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.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.



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Crl.O.P.No.16546 of 2023

[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.

28.07.2023

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Crl.O.P.No.16546 of 2023

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Crl.O.P.No.16546 of 2023

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