



Crl.O.P.No.17401 of 2023

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WEB CRI RMT.TEEKAA RAMAN, J.

The Petitioner, who apprehends arrest at the hands of the Respondent police for the offence punishable under Sections 4(1)(a) & 4(1-A) of TN Prohibition Act in Crime No.312 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 02.07.2023 while the Respondent was in patrol duty at Koovathur, Mugaiur village they received secret information about the illegal sale of liquor. Based on the information the Respondent police conducted search near Mariyamman Koil Street and found that some person were try to escape from that place. The respondent police caught one of them viz., Paripooranan (A1) and the other one escaped from the police. After the investigation, they found that the other person name is Nathiya, who is the Petitioner herein. Accordingly, the Respondent Police searched the bag of said Paripooranan (A1) and the found in possession of 10 bottles of opened 180 ml brandy. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that the Petitioner is an agricultural coolie, only for the statistical purpose the Petitioner has been implicated in this case, without any *prima facie* materials. Hence, the learned counsel for the Petitioner prays for grant of anticipatory bail to the



Petitioner.

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4.The learned Government Advocate (Crl. Side) for the Respondent would submit that the Petitioner along with the first Accused sold liquor illegal. He vehemently opposed to grant anticipatory bail to the Petitioner.

5.Heard both sides and perused the materials available on record.

6.Taking into consideration the facts and the submissions made by the learned counsel on either sides and the nature and gravity of the alleged offence, this Court is inclined to grant anticipatory bail to the Petitioner with certain conditions.

7.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 Judicial Magistrate, Thirukalukundram** on condition that the Petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten 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 and



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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, on every Monday 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 Petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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