



Crl.O.P.No.16773 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner namely N.Raja @ Iyanarappan, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 4(1)(aaa) r/w 4(1-A) of Tamil Nadu Prohibition Act and 5 and 6 of Tamil Nadu Rectified Sprit Rules 2000 (Transporting) in Crime No.579 of 2019 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.579 of 2019 for the offences under Sections 4(1)(aaa) r/w 4(1-A) of Tamil Nadu Prohibition Act and 5 and 6 of Tamil Nadu Rectified Sprit Rules 2000 (Transporting). Petitioner is innocent. He further submitted that, petitioner is only a cleaner in vehicle bearing No.TN 46 0329. 1st, 3rd and 4th accused were arrested and released on bail. 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, accused in this case were found with 1750 litres



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of ID Arrack on 25.08.2019 at Melakavalakudi to Andhakudi Kappi Road Manalur at 11 p.m. The liquor had been seized by the respondent police. Thus, he prayed for dismissal of this petition.

4. Considering the fact that, main accused had been granted bail and that petitioner is only a cleaner of the vehicle bearing No.TN 46 0329 and 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 No.1, Nagapattinam**, 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:



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[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 without prejudice to his defence shall deposit a non-refundable sum of Rs.5,000/-, 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.



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[e] the petitioner shall not abscond 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.

28.07.2023

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