



Crl.O.P.No.17422 of 2023

RMT.TEEKAA RAMAN, J.

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The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(aa) and 4(1-A) of the Tamil Nadu Prohibition Act, 1937 in Crime No.577 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and his mother/A1 had transported 55 litres of Pandi Arrack put in a white sack bag using the green color two wheeler BAJAJ DISCOVER bearing Regn.No.PY01 M 1090 and that the petitioner on noticing the respondent police had fled from the spot immediately by abandoning the two wheeler, while the respondent police has arrested the A1/mother of the petitioner herein/A2. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the A1 has been remanded to judicial custody on 01.07.2023 and was later enlarged on bail on 13.07.2023 by the learned District & Sessions Court, Mayiladuthurai vide its order made in Crl.M.P.No.1259 of 2023. He further submitted that the petitioner is an innocent person and he has



been falsely implicated in this case. Therefore, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that this petitioner/A2 fled away from the spot and the mother of the petitioner/A1 has been arrested and recovered 50 litres of Pondicherry made Arrack and he has one previous case. Therefore, learned Government Advocate (Crl. Side) vehemently opposed for grant of anticipatory bail to the petitioner/A2.

5.Taking into consideration the facts and submissions of the learned Counsel and also the fact that A1 has been arrested and subsequently enlarged on bail on 13.07.2023 by the learned District & Sessions Court, Mayiladuthurai vide its order made in Crl.M.P.No.1259 of 2023 and that substantial part of the investigation would have been over by now, this Court is inclined to grant anticipatory bail to the petitioner 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, Tharangampadi, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten 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., for a period of four weeks and thereafter, as and when required for interrogation.

[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



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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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

08.08.2023

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