



Crl.O.P.No.18338 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under **Sections 4(1) (aaa), 4(1-A) (ii) of TNP Act and Sections 6 and 7 of TNRS Rules, 2000**, in Crime No.486 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case on the basis of the confession of co- accused and there was no recovery of any incriminating substance from the petitioner.

3. In response, the learned Additional Public Prosecutor submitted that it is a case where the accused were found in possession of 1260 liters of rectified spirit. Investigation in this case has not been completed. Further, the petitioner has 15 similar cases against him. Therefore, he prays for dismissal of this petition.



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4. Considered the submissions and perused the records.

5.This is second anticipatory bail petition. Earlier anticipatory bail petition in CrI.O.P.No.15200 of 2023 was dismissed on 07.07.2023, for the reason that petitioner has 15 previous cases and the investigation is pending.

6.Respondent Police had not taken any steps for arresting the petitioner. In such circumstances and to take the case forward, 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, Tiruvannamalai**, on condition that the petitioner shall execute a 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:



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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 shall report before the respondent police everyday at 10.00 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 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.

05.09.2023

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