



Crl.O.P.No.18736 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(a) and 4(1-A) of TamilNadu Prohibition Act, 1937 in Crime No.190 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 5 litres of ID arrack. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that he is no way connected with the alleged offence. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioner was found in illegal possession of 5 litres of ID arrack. He would further submit that there is



Crl.O.P.No.18736 of 2023

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no previous case pending against the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Heard the learned counsel and perused the entire materials available on record including the First Information Report.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel on either side, 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 District Munsif cum Judicial Magistrate, Kurinchipady, Cuddalore 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,



Crl.O.P.No.18736 of 2023

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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 on everyday 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 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



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Crl.O.P.No.18736 of 2023

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;

18.08.2023

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Crl.O.P.No.18736 of 2023

RMT.TEEKAA RAMAN, J.

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Crl.O.P.No.18736 of 2023

18.08.2023