



Crl.O.P.No.20675 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 484, 465, 468, 471 and 420 of IPC r/w Sections 4(1)(aaa), 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.1335 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of Express Brandy – 12 Box, Black Pearl Brandy – 6 Box and without label – 1 Box, each containing 48 bottles (180 ml each) of spurious liquor worth about Rs.2,24,640/-. Hence, the case.

3. The learned counsel appearing 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 co-accused in this case have been arrested and released on bail. He would also submit that earlier, this petitioner was granted anticipatory bail by this Court by an



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order dated 12.10.2022 with certain conditions. However, the said condition could not be complied with by the petitioner and the same has been expired. Hence, the fresh anticipatory bail petition seeking grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) submitted that the petitioner along with other accused are working in TASMAL bar and they were selling spurious liquor in the black market. He would further submit that the petitioner was already granted anticipatory bail by this Court however without complying the said conditions, he filed the present petition. Hence, he vehemently object to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) for the respondent and perused the materials.



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6. It is seen that this Court, by order dated 12.10.2022 in CrI.O.P.No.21836 of 2022 has granted anticipatory bail to the petitioner with certain conditions. However, the petitioner could not comply with the said conditions within a stipulated time and the same is got expired and hence, the petitioner filed this fresh petition. Since earlier order has been granted, I am left with no other option to grant anticipatory bail to the petitioner with a condition to deposit a sum of Rs.40,000/- to the credit of Crime No.1335 of 2022.

7. Accordingly, **the petitioner shall deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) to the credit of Crime No.1335 of 2022 before the concerned Magistrate**, and on such deposit 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 **Judicial Magistrate, Kurinchipadi**, 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



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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 deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) to the credit of Crime No.1335 of 2022 before the concerned Magistrate.

[c] the petitioner shall report before the respondent police on every Friday and Saturday at 10.30 a.m., for a period of six weeks and thereafter as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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



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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]*; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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