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Crl.O.P.No.24924 of 2023

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R. KALAIMATHI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 4(1)(a) and 4(1-A) of TN Prohibition Act, in Crime No.1038 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 27 Brandy Bottles of 180 ML each. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that without prejudice, the petitioner is ready and willing to deposit a sum of Rs.5,000/- to any welfare scheme run by the Government. Hence, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate (crl.side) would submit that the petitioner was found to be in illegal possession of 27 Brandy Bottles of 180 ML each. He further submitted that there are no previous case of similar nature pending against the petitioner. However, he opposed for grant of bail to the petitioner.

5. Considering the facts, nature and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

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 Judicial Magistrate Court No.II, Kanchipuram** 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



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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 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; Payment of this amount will not amount to admission of guilt of the petitioners.

[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.

[e] the petitioner shall not abscond either during investigation or trial.



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[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.

26.10.2023

Tsg/shl

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