



Crl.O.P.No.24953 of 2023

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R.KALAIMATHI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 4(1)(aaa) and 4(1)(i) of TNP Act, in Crime No.873 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. It is the submission of the learned counsel for the petitioner that the petitioner is falsely implicated in this case. Apprehending arrest in Crime No.873 of 2023 registered for the offences under Section 4(1)(aaa) and 4(1)(i) of TNP Act, this petition is filed by the petitioner.

3. In response, the learned Government Advocate (Crl.side) submitted that the petitioner is the owner of the Bar. The specific allegation made against the petitioner is that he was selling liquor in his Bar without getting a valid license. The petitioner along with other accused were found in an illegal possession of 204 bottles of 650 ml British Empire Beer, 108 bottles of 650 ml SNJ 10000 Beer, 8 bottles of 650 ml Sterren Beer, 24 bottles of 650 ml King Fisher beer, 151 bottles



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of 180 ml Monitor Brandy, 18 bottles of 180 ml MCDowells VSOP Brandy, 19 bottles of 180 ml Bacardi Lemon brandy, 13 bottles of 180 ml 1848 Brandy, 9 bottles of 180 ml King Louis Brandy, 144 bottles of 180 ml Meclene Brandy, 35 bottles of 180 ml Mcdowells Brandy, 46 bottles of 180 ml Copper Brandy and 9 bottles of 180 ml Royal Accord Brandy. The contraband and a cash of Rs.19,620/- was seized. Co-accused A1 to A5, in this case, were arrested and they are still under judicial custody. Hence, he opposed for grant of anticipatory bail to the petitioner.

4. Heard both sides and perused the materials available on record.

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

6. Accordingly, petitioner is directed to make a non-refundable deposit of **Rs.25,000/- (Rupees Twenty Five Thousand only)** by way of **Demand Draft to the credit of Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, petitioner is ordered to be released on bail in the event of arrest or



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on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the Judicial Magistrate at Sriperumbudur**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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:-

[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 without prejudice to his defence shall deposit a non-refundable sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only)**, 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; It is made clear that merely, because the petitioner deposits the said amount, it would not



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amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

[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.

[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.

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