



Crl.O.P.No.28727 of 2023

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C.V.KARTHIKEYAN,J.

The petitioner/accused seeks anticipatory bail in Crime No.405 of 2023 registered by the respondent police for the offence punishable under Sections 4(1)(aaa) and 4(1)(i) of Tamilnadu Prohibition Act.

2. The case of the prosecution is that the petitioner had given the alcohol/liquor bottles (376 Nos) to one Ravi to sell the same illegally. Hence the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent. He has been falsely implicated in this case. Hence, the petition has been filed seeking anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the



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respondent police submitted that the petitioner was found in illegal possession of 376 ml of brandy bottles. There is no previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. The earlier application seeking anticipatory bail in Crl.OP.No.24551 of 2023 was dismissed by this Court on 31.10.2023. It is stated that the change in circumstances, A1 had been granted bail by the Sessions Court. It is also stated that in the said order it has been observed that investigation has been completed.

6. Taking those factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner with subject to the following conditions.

7. Accordingly, the petitioner shall pay a sum of **Rs.20,000/-** (Rupees Twenty Thousand only) by way of demand draft drawn in favour of *the Dean, Government Stanley Hospital, Chennai*, (to be used for needy patients) within a period of two weeks from the date of receipt



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of a copy of this order, 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 *learned Metropolitan Magistrate-V, Egmore, Chennai* on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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 shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[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.

22.12.2023

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