



Crl.O.P.No.29122 of 2023

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WEB CO **P.DHANABAL, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1) (aaa), 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.387 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is involved in the selling of TASMALC liquor unofficially and also introduced other persons in the said business. Hence this case.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is a senior citizen. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner/A2 is found in possession of 120 bottles of liquor unofficially and also introduced other persons for selling



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the same. He would further submit that there are three previous cases against the petitioner. The contraband has been recovered and sent for chemical analysis and the report of the same is awaited. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Considering the rival submissions on either side and considering the fact that the investigation is completed and only report of the analysis of contraband is awaited, and considering the nature of offences, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following 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 Judicial Magistrate, Uthangarai, Krishnagiri District*, on condition that the petitioner shall execute a bond for a sum of



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Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for

a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioner shall report before the respondent police everyday at 10.00 a.m., for a period of thirty days and thereafter as and when required for interrogation.

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

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

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.



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