



Crl.O.P.No.29188 of 2023

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

The petitioner/ A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1) (a), 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.929 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent police team were patrolling near Koladi Main Road, the petitioner is found in illegal possession of 16 brandy bottles totally and upon enquiry, he confessed that along with A2, he used to purchase liquor from TASMALC shops and mix water and a medicine from Andhra Pradesh to sell them on higher price. 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 name of the petitioner is included in the FIR only based on the confession statement of A1. Therefore, he prays to grant

anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) would submit that A1 and A2 involved in this offence are arrested and they are still in prison. The contraband is recovered from the petitioner. He would further submit that there is one previous case pending against the petitioner. 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 nature of offences charged against the petitioner, 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 No.II, Poonamallee*, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees



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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.

gv

28.12.2023



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