



Crl.O.P.No.1836 of 2024

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Crl.O.P.Nos.1836 and 877 of 2024

C.V.KARTHIKEYAN, J.

The petitioners/A1 and A2 in Crl.O.P.No.1836 of 2024 and 877 of 2024 respectfully apprehends arrest at the hands of the respondent police for the offence punishable under Sections 4(1) (aa), 4(1-A) (ii) of Tamil Nadu Prohibition Act in Crime No.833 of 2023, seek anticipatory bail.

2. It is stated that the respondent found two persons sitting at the back side of their house and they were in possession of 55 liters of I.D arrack.

3. One of the main objection raised by the learned Government Advocate is that there are 15 previous cases pending against A1 and there is no previous case pending against A2. It is stated that A1 is a history sheeter in H.S.No.129 of 2023. In the counter affidavit objections have been raised for grant of anticipatory bail. But, however there is a contra view that if the petitioners appear before the respondent police it would enable the respondent to complete the investigation. In the list of cases pending against the petitioner/A1 it is seen that he has been convicted in 3 previous cases. .

4. In view of these particular facts, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from



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the date on which the order copy made ready, before the **Judicial Magistrate No.II, Tiruvannamalai** on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required.

[c] **Each of the petitioner shall make a non-refundable deposit of Rs.30,000/- (Rupees thirty Thousand only) separately to the credit of the Dean, Government General Hospital, Tiruvannamalai District, for treatment of needy patients.** Two weeks time is granted for deposit the said amount from the date of receipt of a copy of this order.

[d] the petitioners shall not tamper with evidence or witness either



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[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

07.02.2024

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