



Crl.O.P.No.3054 of 2024

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C.V.KARTHIKEYAN, J.

The petitioners/A2 & A3 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(aaa), r/w 4 (1-A) of TN.P. Act(transport) in Crime No.541 of 2023, seeks anticipatory bail.

2. It is the case of the prosecution that all the three accused were found in a possession of 660 litres of ID arrack. A1 had been arrested and had been granted bail.

3. The learned counsel for the petitioners stated that these two petitioners were Managers of TASMAL bar in Karaikal.

4. The earlier application seeking anticipatory bail was withdrawn dismissed on 03.01.2024 in Crl.O.P.No.28295 of 2023. on that day, the investigation would be proceeded to a substantial extent.

5. However, taking all the other factors into consideration, this Court is inclined to grant anticipatory bail to the petitioners, but however, **directing each of the petitioners to deposit an amount of Rs.30,000/- (Rupees Thirty Thousand only) as non refundable**



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deposit to the credit of Crime No.541 of 2023 before the learned District Munsif cum Judicial Magistrate, Kilvelur. The said amount may be handed over by the learned District Munsif cum Judicial Magistrate, Kilvelur to the Dean, Government Medical College and Hospital, Nagapattinam District, for treating the needy patients.

6. 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 the date on which the order copy made ready, before the **learned District Munsif cum Judicial Magistrate, Kilvelur**, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten 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:



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[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 everyday at 10.30 a.m., until further orders.

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

[d] the petitioners 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 petitioners 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.

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