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Crl.O.P.No.3056 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.587 of 2023, seeks anticipatory bail.

2. It is stated that on 23.11.2023, these two petitioners were found in a possession of 660 litres of ID arrack.

3. It is also stated that the first petitioner had been arrested and had been granted bail.

4.The earlier application seeking anticipatory bail was dismissed on 05.01.2024 in Crl.O.P.No.27436 of 2023. However, taking all those factors into consideration and that there is progress in investigation, this Court is inclined to grant anticipatory bail to the 2nd



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petitioner alone. In so far as the 1st petitioner is concerned, since he had been arrested and granted bail, the application seeking anticipatory bail by the 1st petitioner is dismissed.

5. Accordingly, the second 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, Nagapattinam, 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 second petitioner shall report before the



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respondent police everyday at 10.30 a.m., until further orders.

[c] the second petitioner is directed to deposit an amount of Rs.30,000/- (Rupees Thirty Thousand only) as non refundable deposit to the credit of Crime No.587 of 2023 before the learned Judicial Magistrate No.II, Nagapattinam. The said amount may be handed over by the learned Judicial Magistrate No.II, Nagapattinam to the Dean, Government Medical College and Hospital, Nagapattinam District, for treating the needy patients.

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

[e] the petitioner 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 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]**.



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

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