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Crl.O.P.No.4550 of 2024

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C.V.KARTHIKEYAN, J.

The petitioners/A4 and A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(a), 4(1-A) and 24 of Tamil Nadu Prohibition Act r/w Sections 420, 468 and 471 of IPC in Crime No.522 of 2023, seek anticipatory bail.

2.I had stated the words at the present since it is represented by the learned Government Advocate (Crl. Side) for the respondent that the samples taken from the opened bottles of liquor seized from the shop, in which A1 is the Manager, have been sent to forensic laboratory report and if the result indicates poisonous substance then there would be alteration of provisions of law.

3.The facts of the case as stated by the prosecution is that A1 is the Manager of TASMACH Shop No.1699 at SPB Keel Colony at Namakkal District, and A2, A3, A4 and A5, are employees in that



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particular shop. It is stated that the respondent had seized 40 bottles of liquor which were found opened and from which poisonous smell came out. It is also contended that there was seizure made of the properties in a mahazar in the presence of the witnesses.

4.Earlier petition seeking anticipatory bail had been dismissed on 24.01.2024 in Crl.O.P.No.29133 of 2023. The significant change in circumstance is that, subsequently, A1, A2 and A3 had been arrested and had been granted bail. It is seen that there has been substantial progress in the investigation.

5.Taking all the factors into consideration, I am inclined to grant anticipatory bail to the petitioners, however, directing each one of the petitioners to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** as non refundable deposit to the credit of Crime No.522 of 2023 before the learned Judicial Magistrate, Kumarapalayam. The said amount may be handed over by the learned Judicial Magistrate, Kumarapalayam, to the Chief Medical Officer, Government General Hospital, Namakkal, for the treatment of needy patients.



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6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Kumarapalayam, on condition that the petitioners shall execute separate 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., 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



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investigation or trial.

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[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 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]**.

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

16.04.2024

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