



Crl.O.P.No.4879 of 2024

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C.V.KARTHIKEYAN,J.

The petitioner/accused in Crime No.31 of 2024, registered by the respondent police for the offences under Sections 4(1)(aaa) r/w 4(1-A) of Tamil Nadu Prohibition Act, seeks anticipatory bail.

2.It is stated by the learned Government Advocate (Crl. Side) for the respondent that they had found the petitioner in possession of 110 litres of illicit arrack but the petitioner is escaped.

3.A memo had been filed stating since the quantity of illicit arrack had been mentioned as 14 bottles in the petition and to clarify that, it is 110 litres. The memo is recorded.

4.It is also stated that there are two previous cases against the petitioner.

5.Taking all the factors into consideration, I am inclined to grant bail to the petitioner subject to the following conditions:

6.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 District



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Munsif cum Judicial Magistrate, Kilvelur, Nagapattinam District, on condition that the petitioner shall execute separate 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 petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] Additionally, the petitioner shall deposit a sum of Rs.15,000/- to the credit of the Dean, Government General Hospital, Nagapattinam District for treatment of 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



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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]**.

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

13.03.2024

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