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Crl.O.P.No.8266 of 2024

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**C.V.KARTHIKEYAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(aaa), 4(1-A) of the Tamil Nadu Prohibition Act in Crime No.67 of 2024, seeks anticipatory bail.

2.It is stated that there are totally six accused and A2 to A5 are still in custody.

3.The case of the prosecution is that on 26.01.2024 the accused were found in possession of 4580 bottles each containing 180 ml of liquor and when the respondent intercepted them the accused stated that the bottles had been purchased from Shop MK 9167 and stated that the owner (முதலாளி) the petitioner had procured the bottles and intended to sell the same at higher price.

4.The learned counsel for the petitioner stated that the respondent



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had also registered another F.I.R on 26.01.2024 in Crime No.72 of 2024.

On a perusal of that F.I.R reveals that there again the accused were found in possession of 520 liquor bottles containing 180 ml of liquor, wherein they have stated that the ( பொறுப்பாளர் ) the petitioner herein was responsible for handing over the bottles.

5.The earlier petition seeking anticipatory bail was dismissed on 23.02.2024 in Crl.O.P.No.4216 of 2024. The significant change in circumstance is that the substantial progress in the investigation conducted by the respondent.

6.Taking that fact into consideration, this Court is inclined to grant anticipatory bail to the petitioner, but however, **directing the petitioner to deposit an amount of Rs.30,000/- (Rupees Thirty Thousand only) as non refundable deposit to the credit of Crime No.67 of 2024 before the learned Judicial Magistrate – II, Poonamallee. The said amount may be handed over by the learned Judicial Magistrate – II, Poonamallee, to the Dean, Stanley Government Medical College and**



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**Hospital, Chennai, for the treatment of needy patients.**

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 learned Judicial Magistrate – II, Poonamallee, on condition that the petitioner shall execute a 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:

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

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

[d] the petitioner 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 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]**.

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

08.04.2024

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