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CrI.O.P.No.9634 of 2024

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C.V.KARTHIKEYAN, J.

The petitioners/A2 and A3, who apprehend 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.52 of 2024, seek anticipatory bail.

2.It is stated that the accused were found in possession of 110 litres of Pondy Arrack, which had been seized. It is also stated that A1 had been arrested and detained under the Tamil Nadu Act 14 of 1982.

3.Earlier petition seeking anticipatory bail had been dismissed on 13.02.2024 in CrI.O.P.No.3001 of 2024. After that particular date, there has been substantial progress in the investigation.

4.Taking all the factors into consideration, I am inclined to grant anticipatory bail to the petitioners, however, directing each one of



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the petitioners to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) as non refundable deposit to the credit of Crime No.52 of 2024 before the learned District Munsif -Cum- Judicial Magistrate, Tharagampadi. The said amount may be handed over by the learned District Munsif -Cum- Judicial Magistrate, Tharagampadi, to the Chief Medical Officer, Government General Hospital, Mayiladuthurai, for the treatment of needy patients.

5.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 District Munsif -Cum- Judicial Magistrate, Tharagampadi, 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:



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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 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 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 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.



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6.The Registry shall correct the name of the petitioners / A2 and A3 as “Rajesh Kanna @ Prabu” and “Sudhakar @ Suthagaran” as stated in paragraph No.8 of the petition before issuing order copy to all concerned.

22.04.2024

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