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CrI.O.P.No.11639 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 4(1)(aaa) r/w 4(1-A) of Tamil Nadu Prohibition Act in Crime No.278 of 2023, seeks anticipatory bail.

2.It is stated that the petitioner herein is arrayed as A2. The petitioner/A2 and A1 were found in possession of 110 litres of Pondy Arrack. A1 had been arrested.

3.It is stated by the learned Government Advocate (CrI. Side) that A1 is still in custody.

4.By way of reply, the learned counsel for the petitioner states that A1 had been released on bail in CrI.M.P.No.62 of 2024 by the Sessions Court at Nagapattinam on 08.01.2024.

5.It is further stated by the learned Government Advocate (CrI. Side) that there are as many as 62 previous cases against the petitioner herein all under TNP Act. In 59 of them, the petitioner had been



Crl.O.P.No.11639 of 2024

convicted. One is pending trial, one is under investigation and third one, final report had been filed, but not taken on file.

6.The earlier petition seeking anticipatory bail was dismissed on 30.01.2024 nearly about six months back, but the respondent have still not taken steps to secure the petitioner, even though the petitioner is a convicted accused in other cases.

7.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.50,000/- (Rupees Fifty Thousand only) as non refundable deposit to the credit of Crime No.278 of 2023 before the learned District Munsif Cum Judicial Magistrate, Vedaranyam. The said amount may be handed over by the leanred District Munsif Cum Judicial Magistrate, Vedaranyam, to the Dean, Government Medical College and Hospital, Nagapattinam, for the treatment of needy patients.**

8.Accordingly, the petitioner is ordered to be released on bail in



CrI.O.P.No.11639 of 2024

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 District Munsif Cum Judicial Magistrate, Vedaranyam, 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.

[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.

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Crl.O.P.No.11639 of 2024

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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 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.

10.06.2024

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Crl.O.P.No.11639 of 2024