



Crl.O.P.No.12228 of 2024

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C.SARAVANAN, J.

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1-a) r/w. 4 (1-A) of Tamilnadu Prohibition Act, 1937 in Crime No.540 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that based on the secret information received, the respondent police conducted vehicle check up at Melmaruvathur, during which, the petitioner was found in illegally transporting 156 bottles of Pondicherry Liquor in a two wheeler bearing Registration No.TN19U6760. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and prayed for granting Anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. side) on instructions would submit that the petitioner is involved in three previous cases of the years 2013 and 2014 which are similar in nature, out of which one case has been closed and other two cases are pending trial. Hence, he vehemently opposed for granting anticipatory bail to the petitioner.

5. Considering facts and circumstances of the case and also considering the age of the petitioner, this Court is inclined to grant Anticipatory Bail.

6. Accordingly, the petitioner is directed to make a payment/donation of a sum of **Rs.30,000/- (Rupees Thirty Thousand Only)**, to any recognized and registered orphanage in the District of **Chengalpattu** and on such payment/donation, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate No.II, Madurantakam and on further conditions that :-



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[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 make a payment/donation of a sum of **Rs.30,000/- (Rupees Thirty Thousand Only), to any recognized and registered orphanage in the District of Chengalpattu** and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent Police, daily at 10.30 a.m., until further orders;

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness 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 petitioner in accordance with law as if the conditions



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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.

23.05.2024

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