



Crl.O.P.No.12253 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)(i) r/w. Section 4 (1-A) of Tamilnadu Prohibition Act, 1937 in Crime No.139 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent police were in patrol duty on 08.05.2024, the petitioner along with other accused were found in illegal possession of 19 bottles of Tasmac Liquior. 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.

4. The learned Government Advocate (Crl. side) on instructions would submit that the petitioner was in illegal possession of 19 bottles of Tasmac liquor and there are no other previous case against the petitioner. The injured has been discharged from the hospital. However, he vehemently opposed for grant of Anticipatory bail to the petitioner.



CrI.O.P.No.12253 of 2024

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5. Considering the facts and circumstances of the case, the Court is inclined to grant Anticipatory Bail to the petitioner and the petitioner shall be released immediately on bail, in the event of arrest or on his appearance, with subject to the following conditions :-

[a] the petitioner shall appear before the **learned Judicial Magistrate No.II, Sangakiri** within a period of fifteen days from the date on which the order copy made ready.

[b] 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.

[c] 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.

[d] the petitioner shall donate a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the recognized and registered Orphanage in Salem District.



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CrI.O.P.No.12253 of 2024

[e] the petitioner shall report before the respondent Police as and when required for interrogation;

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

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

[h] 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]**.

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

23.05.2024

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