



Crl.O.P.No.12655 of 2024

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T.V.THAMILSELVI, J.

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The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(aaa), 4(1-A), 4(1)(b), 4(1)(g), 4(1)(h) of TNP Act r/w Section 7 and 11 of TN Rectified Spirit Rules, 2000 and Section 468, 471 and 420 of IPC in Crime No.307 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on 02.04.2024, when the respondent police conducted routine checkup and inspection, the petitioner along with other accused were found to be in illegal possession of 6,290 litres of ID arrack. Hence, the complaint.

3. The learned counsel appearing for the petitioner submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would submit that he has been falsely implicated in this case based on the confession statement of the main accused (A1). He would also submit that he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the accused were found to be in possession of 5400 litres of ID arrack and 350 litres of spirit. He would also submit that in this case there are totally 8 accused and 1st accused was detained under Goondas Act. He would submit that 32 previous cases are pending against the petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner subject the petitioner is directed to **deposit a sum of Rs.1,00,000/- (Rupees one lakh only) to the credit of Registered Advocate Clerk Association, Puducherry**, and on such deposit and production of proof,ct to the following conditions.

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



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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, Gingee** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with two sureties (**out of which, one shall be the blood related surety**), 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 is directed to report before the respondent police daily at 10.30 a.m., for a period of three months and thereafter, as and when required for interrogation.

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

[d] the petitioner shall not abscond either during



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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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