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Crl.O.P.No.19045 of 2024

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P.DHANABAL, J.

The petitioners seek anticipatory bail in Crime No.513 of 2024 registered by the respondent Police for the offences under Section 4(1)(b) of Tamil Nadu Prohibition Act.

2. The case of the prosecution is that when the respondent police were in routine patrol duty on 02.08.2024 at about 17.00 hrs., they found that the petitioners and other accused were in possession of Gas Stove, Cylinder, Fridge, Table, empty liquor bottles and water packets. On enquiry, it was known that the petitioners without getting proper permission from the authority, permitted the wine shop customers for drinking liquor in the said place. Hence, this case.

3. The learned counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and a false case has been foisted against them. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioners are arrayed as A1, A4 and



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A5. They permitted the wine shop customers to drink liquor in their place illegally. The respondent police seized the movable properties from the place of occurrence. He further submitted that there is no previous case pending against the petitioners.

5. Considering the submissions made by both sides and taking into consideration the nature of the offences charged against the petitioners and also the fact that there is no previous case pending against the petitioners, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on anticipatory 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 **Judicial Magistrate, Gudiyatham**, on condition that the petitioners shall execute a 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 on every Saturday at 10.00 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

[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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