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Crl.OP.No.19080 of 2024

Crl.O.P.No.19080 of 2024

P.DHANABAL, J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1-a), 14A, 4(1-A) of TN Prohibition Act in Crime No.460 of 2024, seek anticipatory bail.

2. The case of the prosecution is that as per the confession of the other accused, who were found in illegal possession of the liquor components in huge amount i.e., 180 bottles (i.e., Brandy 180 ml., 42 and Supper Select Brandy 180ml-138) of 32,400 litres of Brandy, that they purchased the liquor bottles without bill from the petitioner. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is innocent and has no role in the commission of the offence. He has submitted that a false case has been foisted against him. Hence he seeks anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that there were three accused in the case. Petitioner is the third accused. No previous case is pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Considering the rival submissions on either side and considering the nature of the case and the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the learned *Judicial Magistrate, Vanur*, 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 learned Magistrate concerned, and on further condition that:

[a] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for the interrogation.

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

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

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance



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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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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