



Crl. O.P. No.19502 of 2024

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P.DHANABAL.J.,

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(i) and 4(1-A) of Tamil Nadu Prohibition Act in Cr. No.228 of 2024 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that on 21.07.2024 at about 8 hours, when the respondent police along with police parties conducted prohibition patrol, the petitioner A1 along with another accused A2 near E.B. office, H.Chetty Palli Road were found in possession of 25 pockets of original choice whisky each contained 180 ml kept in their vehicle bearing registration No.KA-56 M 0352. Hence the case.

3. The learned counsel appearing for the petitioner would contend that the petitioner's name is not found in the FIR and based on the confession statement given by A2, this petitioner has been arrayed as accused in this case and he has not committed any offence as alleged in the FIR and co-accused was released on bail. Hence the petitioner may be granted anticipatory bail.



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4. The learned Government Advocate (Criminal side) would contend that the petitioner along with another accused were found in possession of 25 pockets of original choice whisky each contained 180 ml kept in their vehicle bearing registration No.KA-56 M 0352 and they were caught red handed near E.B. office, H. Chetty Palli Road. A2 was arrested in the spot along with seized I.D. arrack and the petitioner herein escaped from the place along with vehicle. The confession statement of A2 reveals the specific overt act of the petitioner that the petitioner/A1 has purchased the above said liquor bottles from Karnataka State with the help of co-accused / A2 and sold them for their personal gain and A1 is still absconding. The case is under preliminary stage of investigation. Some more witnesses are to be examined and the arrest of the petitioner/A1 is required to interrogate to obtain the real facts of the case. The petitioner is involved in 24 previous cases. Hence he objected to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions put forth on either side, considering the nature of offences, considering the quantity of materials



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involved in this case and considering the fact that already co-accused was released on bail, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Denkanikottai** 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 conditions that:

[a] the petitioner shall report before the respondent police on every Saturday for four weeks and thereafter, as and when required for 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



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WEB COPY [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 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 v. State of Kerala [(2005) AIR SCW 5560]***.

[e] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the B.N.S.

16.08.2024.

mjs

To

- 1.The Judicial Magistrate, Denkanikottai.
- 2.The Inspector of Police, Kelamangalam Police Station, Krishnagiri.
- 3.The Public Prosecutor, High Court, Madras-600 104.



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