



Crl. O.P. No.19404 of 2024

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P.DHANABAL.J.,

The petitioners apprehend arrest for the alleged offences under Sections 4(1) (I), 4(1-A), 24 of the Tamil Nadu Prohibition Act in Crime No.152 of 2024, on the file of the respondent police seek anticipatory bail.

2.The Petitioners/Accused operate a licensed bar (FL3-License Number 03/2005-2006) at Vijay Hotel, Vallalar Nagar, Pennadam. On 03.08.2024, during a routine search by the respondent police, the bar was opened earlier than usual, and service was provided. The respondent police entered the bar, questioned the employees, and subsequently arrested Siva and Kalyanasundharam. Based on their confessions, a case was registered against the petitioners/accused. Hence the case.

3.The learned counsel for the petitioner would contend that the petitioners are innocent and they have not committed any offence as alleged by the respondent police and hence, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate(criminal side) for the



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respondent police submitted that there are four accused in this case, and 308 bottles of liquor were seized from the bar. The petitioners, who are the bar owners, allegedly provided these bottles to their employees to sell in the open market. Regarding A1, there is one previous case, while A4 has no prior cases. The investigation is still pending. Therefore, he objected to grant anticipatory bail to the petitioners.

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

6. Considering the rival submissions on either side and considering the nature of the offence and also considering the first accused is also having one previous case and also granted bail. No previous case as against the petitioners in the nature of similar kind of offence and also considering the other aspects, I am inclined to grant anticipatory bail to the petitioners, subject to the following conditions.

7. 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, Thittakudi** on condition that the



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petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten

Thousand only) each, with two sureties for a like sum to the satisfaction of

the learned Magistrate concerned and on further condition that:

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

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

[c] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory 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 B.N.S.2023.

12.08.2024

jrs



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P.DHANABAL,J

jrs

To

- 1.The Judicial Magistrate, Thittakudi.
2. The Inspector of Police, Pennadam Police Station,
Cuddalore District.
3. The Public Prosecutor,
High Court, Madras.

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12.08.2024