



Crl. O.P. No.19504 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)(a) and 4(1-A) of Tamil Nadu Prohibition Act in Cr. No.301 of 2024 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that on 19.06.2024 at about 19.45 hours, when the respondent police along with police parties conducted prohibition patrol at Kuyavan Kulam area was found in possession of 25 pockets of alcohol about 5 litres and 30 brandy bottles. Hence the case.

3. The learned counsel appearing for the petitioner would contend that the petitioner has not committed any offence as alleged in the FIR and false case has been registered against the petitioner / accused. Hence the petitioner may be granted anticipatory bail.

4. The learned Government Advocate (Criminal side) would contend that the petitioner was found in possession of brandy bottles and there are 26 previous cases against the petitioner, among which 14 cases



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were disposed of. He objected to grant anticipatory bail to the petitioner.

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

6. Considering the rival submissions putforth on either side, considering the nature of offences, considering the quantity of materials involved in this case and considering the fact that though he has previous cases, most of the cases were disposed of, 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 No.II, Cuddalore** 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 until further orders;

[b] the petitioner shall not tamper with evidence or witness



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either during investigation or trial;

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[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 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 No.II, Cuddalore.
- 2.The Inspector of Police, Cuddalore OT Police Station.
- 3.The Public Prosecutor, High Court, Madras-600 104.



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