



Crl. O.P. No.19662 of 2024

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WEB CO P.DHANABAL.J.,

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(c) and 4(1)(A) of Tamil Nadu Prohibition Act in Cr. No.380 of 2024 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that on 06.08.2024, when the respondent police along with police parties conducted prohibition patrol, the petitioner along with another accused was found in possession of 120 beer bottles. Hence the case.

3. The learned counsel appearing for the petitioner would contend that based on the confession statement given by the co-accused, 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 and the petitioner has not indulged in any other criminal activities. Hence the petitioner may be granted anticipatory bail.

4. The learned Government Advocate (Criminal side) would contend



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that the petitioner along with another accused were found in possession of 120 beer bottles. The confession statement of co-accused reveals the involvement of this petitioner in the commission of offence. Investigation is not completed. 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 fact that there is no previous case pending against the petitioner, considering the fact that only based on the confession statement given by the co-accused, this petitioner is arrayed as accused in this case, considering the quantity of materials 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 V



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Metropolitan Magistrate, Egmore, Chennai 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 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.



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16.08.2024.

P. DHANABAL.J.,
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To

1. The V Metropolitan Magistrate, Egmore, Chennai.
2. The Inspector of Police, PEW-Arumbakkam Police Station, Chennai.
3. The Public Prosecutor, High Court, Madras-600 104.

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16.08.2024