



Crl.O.P.No.19650 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) r/w 4(1-A) (ii) of Tamil Nadu Prohibition Act in Crime No.263 of 2024 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 5 litres of illicit arrack. Hence the case.

3. The learned counsel for the petitioner would contend that the petitioner is a innocent person and a false case has been foisted against him. He would further submit there is no previous case against the petitioner and he is no way connected with the said occurrence.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would contend that the petitioner was found to be in illegal possession of 5 litres of I.D. arrack. He further submitted that the petitioner has one previous case of similar in nature and thereby, he opposed to grant anticipatory bail to the petitioner.



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

6.Considering the rival submissions on either side and considering the nature of offence, quantity of the material involved in this case and the fact that there is one previous case and in that case, he has also been released on bail and considering all others factors, this Court is 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 days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Kalasapakkam Tiruvannamalai District** 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 daily at 10.30 a.m., for a period of third days and thereafter as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness 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 vs. State of Kerala [(2005)AIR SCW 5560].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

14.08.2024

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