



Crl.O.P.No.20805 of 2024

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WEB C **P.DHANABAL,J.**

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 4(1)(a), 4(1) (c), 4(1) (i), 4(1)(A) of Tamil Nadu Prohibition Act, in Crime No.164 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that on 20.08.2024 at about 8.30 a.m., the 2nd accused was found illegally selling brandy bottles and on enquiry, it was found that the petitioner herein who was running TASMAL Bar, had engaged the 2nd accused to sell the liquor bottles illegally in the open market for higher rate and subsequently, the respondent police seized 21 nos. of 180 ml brandy bottles from the 2nd accused. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case based on the confession of the 2nd accused. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police opposed for the grant of the anticipatory bail to the petitioner stating that the petitioner who is running TASMAL Bar, along



with the 2nd accused, sold liquor bottles illegally in the open market for higher rate. He further submitted that 21 nos. of 180 ml brandy bottles were recovered from the 2nd accused and that there is one previous case against the petitioner herein.

5. Considering the submissions of both sides, the nature of offence and also considering the fact that though the petitioner has got one previous case, he has been released on bail in the said case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the **learned Judicial Magistrate, Tittagudi, Cuddalore 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

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

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



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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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