



Crl.O.P. No.21487 of 2024

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P.DHANABAL.J.,

The petitioner apprehends arrest for the alleged offences under Sections 4(1)(a), 4(1-A) of the Tamil Nadu Prohibition Act in Crime No.685 of 2024, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that on 23.06.2024, the respondent police has conducted check up, at that time, the respondent police found the accused persons in illegal possession of 48 bottles of spurious liquor. Hence the case.

3. The learned counsel for the petitioner would contend that this petitioner is not a named accused in this case. Based on the confession statement of 1st accused, this petitioner has been falsely implicated in this case. The 1st accused was arrested and subsequently released on bail. This petitioner is an innocent person and he had not indulged in any illegal activities as alleged by the prosecution and he has been falsely implicated in this case by the respondent police. Hence, he seeks anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) would submit that the respondent police has conducted check up, at that time, they found the accused persons in illegal possession of 48 bottles of spurious liquor. In this case, this petitioner is not a named accused, based on the confession statement of the 1st accused, he was implicated in this case. The 1st accused was already arrested and subsequently released on bail. This petitioner have some previous cases, in all those cases he has been released on bail and some of the cases were ended in acquittal. However, the learned Government Advocate (Criminal Side) vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Considering the rival submissions on either side, considering the fact that this petitioner is not named accused in this case, based on the confession statement of 1st accused, this petitioner's name was included in this case, the 1st accused was already arrested and subsequently released on bail, though, the petitioner is having some previous cases, in all those cases he has been released on bail and some of the case were ended in acquittal and considering other aspects, this court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:



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7. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Cheyyur** 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 10.0 a.m. for the period of 30 days;

[b] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

[c] the petitioner shall not leave India without the prior permission of the Court.

[d] the petitioner shall not abscond either during investigation or trial.



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[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

09.09.2024

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