



Crl.O.P.No.23867 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)(C), 4(1)(A) of the Tamil Nadu Prohibition (Amendment) Act, 2024 in Crime No.479 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 06.09.2024 the defacto complainant and the police party were routine checkup at Pethakallupalli riverbed at that time the petitioner who was proceeding in the two wheeler after seeing the police party ran away from the scene of occurrence. After the verification it was found 100 bottles of 180 ml liquor. Hence this case.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) would submit that on 06.09.2024 the defacto complainant and police party were routine checkup at Pethakallupalli riverbed at that time the petitioner who was proceeding the two wheeler after seeing the police party ran away from the scene of occurrence. After the verification it was found 100 bottles of 180 ml liquor and 13 previous cases are pending against the petitioner, five cases already disposed. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Considering the rival submissions on either side nature of offences and the quantity involved in this case and though 13 previous cases are pending against the petitioner, five cases already disposed, in all other pending cases he was released on bail, 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the *learned Judicial Magistrate, Vaniyambadi* on condition that the



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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 10.00 a.m., for a period of thirty days 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 vs. State of Kerala [(2005)AIR SCW 5560].

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

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