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Crl.O.P.No.25144 of 2024

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K.GOVINDARAJAN THILAKAVADI, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 4 (1) (aaa), 4 (1-A) and 14A of the Tamil Nadu Prohibition Act, 1937 r/w 420, 465, 468, 471, 484, 486 and 488 of IPC, in Crime No.395 of 2022, 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 430 litres of illicit arrack in two wheeler TN18 BE 5644 Blue Colour Activa, without any valid license. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and for statistical purpose he has



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been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioner without prejudice to his rights, on his own volition, is ready and willing to contribute, as may be directed by this Court and he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent opposed for granting anticipatory bail to the petitioner by stating that the petitioner was found in possession of 430 litres of illicit arrack in two wheeler TN18 BE 5644 Blue Colour Activa,. He also submitted that there is no previous cases pending against the petitioner. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and the submissions made by the learned counsel on either side and the investigation is almost completed, 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)



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days from the date of receipt of a copy of this order before the *learned Judicial Magistrate No.II, Ponneri*, 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 and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] **the petitioner shall report before the respondent police everyday at 10.30a.m., until further orders;**

[d] the petitioner shall not tamper with evidence or



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witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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 has been imposed and the petitioner is 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]*; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 269-BNS;

09.10.2024

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