



**Crl. O.P. No.26301 of 2024**

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**P. DHANABAL.J.,**

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The petitioners / Accused 1 & 2, who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 4(1)(a), 4(1)(c), 4(1)(i), 4(1)(A) of the TN Prohibition Act in connection with the Cr. No.214 of 2024, seek anticipatory bail.

2. The case of the prosecution is that on 09.10.2024 at about 6 a.m., based on the secret information received by the respondent police, they went to the Ponneri Village and found that the accused were selling the TASMAL brandy and the respondent police had seized 15 brandy bottles of 180 ml. Hence the case.

3. The learned counsel for the petitioners would contend that the petitioners are innocent persons and they have not involved in any offence. A4 was arrested by the respondent police and based on his confession statements, these petitioners have been arrayed as accused in this case and they are the TASMAL Bar owners and they have been falsely implicated in this case and they are ready to abide by any condition imposed by this Court. Hence, the petitioners may be released on bail.

4. The learned Government Advocate (Criminal Side) would submit



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that the petitioner along with other accused had illegally possessed 15 brandy bottles of 180 ml for sale and the materials were seized by the respondent police. Investigation is not yet completed. The petitioners herein are A1 and A3. A1 has 9 previous cases. Hence he strongly opposed to grant anticipatory bail to the petitioners. However, he admitted that A3 has no previous case pending against him and though A1 has 9 previous cases, he was granted bail in all those cases.

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

6. Considering the rival submissions on either side, considering the nature of offences and quantity of materials involved in this case, considering the fact that the 2nd petitioner/A3 has no previous case pending and though the 1st petitioner is involved in 41 other cases, 23 of them were disposed of and in all other cases, bail was granted to the 1st petitioner, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the



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**Judicial Magistrate Court, Tittagudi, Cuddalore** on condition that the

petitioners shall each 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 petitioners shall report before the respondent Police daily at 10.00 a.m. until further orders;**

[b] the petitioners 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 them from disclosing such facts to the Court or to any police officer;

[c] the petitioners shall not leave India without the previous permission of the Court;

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

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the



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petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

28.10.2024

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To

- 1.The Judicial Magistrate Court, Tittagudi, Cuddalore
2. The Public Prosecutor, High Court, Madras.
3. The Inspector of Police, Pennadam Police Station, Cuddalore District.

**P.DHANABAL,J**  
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28.10.2024