



Crl.O.P.No.26654 of 2024

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P.DHANABAL, J.,

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The petitioner/A1 who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 4(1)(g), 4(1) (aaa) r/w.4(1-A) (ii) of TN Prohibition Act, in Crime No.457 of 2024, on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of spirit totally 105 litres and 4 barrels of each barrel contains 200 litres of goods and totally 800 litres of goods. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He also submitted that this petition is his second anticipatory bail petition. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police opposed to grant anticipatory bail to the petitioner that "the petitioner was found in illegal possession of spirit totally 105 litres and 4 barrels of each barrel contains 200 litres of goods and totally 800 litres of goods" and 4 previous cases have been disposed of and bail was granted to him.

5. Considering the submissions of both sides, nature of offences and



also the fact that the four previous cases have been disposed of and also the fact that though the case is pending from June 2024, the respondent have not taken any steps to secure the accused and also considering all other facts, 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 their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the learned District Munsif-cum-Judicial Magistrate, Thandrampet, Thiruvannamalai 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 daily at 10.30 a.m. until further orders.

[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.



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[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

20.11.2024

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