



Crl.O.P.No.28071 of 2024

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SUNDER MOHAN, J.

The Petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(i), 4(1)(A) of TNP Act in Crime No.248 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 17.10.2024 at about 4.00 p.m, when the respondent police were on their regular patrol duty, they found the petitioner carrying a jute bag on a two wheeler, and he is in possession of 70 brandy pouches, each containing, 90 ml, worth Rs.2,450/-. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the petitioner has no previous case, pending against him, and that custodial interrogation of the petitioner is not necessary in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.28071 of 2024

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4.The learned Government Advocate (Crl. Side) would submit that when the respondent police were on regular patrol duty, they found the petitioner is in possession of 70 brandy pouches, each containing, 90 ml, worth Rs.2,450/- and the contraband was seized by the respondent police. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6.Considering the nature of allegation, that the petitioner has no previous case and that the custodial interrogation of the petitioner is not required for the investigation, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) 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 of receipt of a copy of this order, before the **Judicial Magistrate No.I, Hosur**, 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



Crl.O.P.No.28071 of 2024

intends to arrest or to the satisfaction of the said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner 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 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 BNS.

11.11.2024

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Crl.O.P.No.28071 of 2024

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