



Crl.O.P.No.28168 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner/ A2 apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(C) and 4(1-A)(ii) TNP Amendment Act, 2024 in Crime No.948 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on suspicion, the respondent police arrested the A1- Lakshmanan and found that he was in possession of 4 litres of ID Arrack and based on the confession of A1, the petitioner's name was included in the FIR. Hence, this case.

3. Learned counsel appearing for petitioner submitted that the petitioner is innocent and further no recoveries were made from the petitioner and only based on the confession statement of A1, the petitioner has been falsely implicated in this case. He further that the petitioner is ready to furnish sufficient sureties and to abide by any stringent condition that may be imposed by this Court, therefore, he prayed for grant of



anticipatory bail to the petitioner.

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4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioner stating that the petitioner herein had involved in supply of 4 litres of ID Arrack to A1. However, he stated that there is no previous case as against the petitioner.

5. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the fact that there is no previous case as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain 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



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from the date on which the order copy made ready, before **the learned Judicial Magistrate-I, Sangagiri** on condition that the petitioner shall execute a separate 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, failing which, the petition for anticipatory bail shall stand dismissed 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 their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10:30 a.m. and 6:00 p.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.

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[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 B.N.S.

12.11.2024

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