



Crl.O.P.No.28552 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(c), 4(1-A)(ii) & 14(A) of TN Prohibition (Amendment) Act in Crime No.321 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused was found in possession of 7 litres of ID arrack, intended for sale. Hence, the case.

3.The learned counsel for the petitioners submitted that the petitioners herein are A2 and A3 in this case and they are innocent persons and recovery has been made only from A1 and not from these petitioners. The learned counsel further submitted that the petitioners have no bad antecedents and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, the learned counsel prayed for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the



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respondent Police while opposing the grant of anticipatory bail to the petitioners submitted that on the date of occurrence, the petitioners were found in possession of 7litres of ID arrack. He further submitted that A1 in this case has already been arrested and still in custody. He further submitted that the petitioners have no previous cases pending against them.

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.Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either sides and the fact that there was no recovery from the petitioners and no previous cases are pending against them, this Court is inclined to grant anticipatory bail to the petitioners.

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 learned **Judicial Magistrate, Kumarapalayam** that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties for a like



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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 conditions that:

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

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

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

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

15.11.2024

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Dated: 15.11.2024