



Crl.O.P.No.28634 of 2024

A.D.JAGADISH CHANDIRA, J.

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(c) and 4(1-A)(ii) of Tamil Nadu Prohibition (Amendment) Act in Crime No.740 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, when the respondent police were patrolling they intercepted one Hyundai Creta car bearing Registration No.TN-39-CR-6347 driven by one Sivasubramaniam along with his friends and on search they found that they were in possession of two litres of illicit arrack. Based on their confession, the name of the petitioners were included in the FIR. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that the petitioners are innocent and have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case, based on the confession of other accused. He would further submit that the petitioners were originally arrested by the Inspector of Police, Vellakovil Police Station in Crime



No.440 of 2024, for possession of 4.5 litres of I.D. arrack on 28.10.2024 and released on bail by this Court vide order dated 14.11.2024 in Crl.O.P.No.28492

of 2024. He further submitted that the petitioners are ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court, therefore, he prayed for the grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for the grant of anticipatory bail to the petitioners, stating that the petitioners were formally arrested on 28.10.2024 for illegal possession of 4.5 liters of I.D. arrack in Crime No.440 of 2024 and thereafter, they have been released on bail by this Court vide order dated 14.11.2024 in Crl.O.P.No.28492 of 2024. He would further submit that based on the confession statement of co-accused, the name of these petitioners were included in this case.

5. Heard the learned counsel for the petitioners, 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, this Court is inclined to



grant anticipatory bail to the petitioners with certain conditions.

WEB COPY

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 No.II, Tiruppur** on condition that the petitioners 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 petitioners 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 petitioners shall report before the Vellakoil Police Station, Tiruppur District everyday at 10:30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.



WEB COPY

Crl.O.P.No.28634 of 20



[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 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

19.11.2024

stn



WEB COPY

Crl.O.P.No.28634 of 20



A.D.JAGADISH CHANDIRA, J.

stn

Crl.O.P.No.28634 of 2024

19.11.2024