



Crl.O.P.No.28631 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(c), 4(1-A)(ii) of TN Prohibition (Amendment) Act and 123 of BNS in Crime No.793 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused was found in possession of 4.5 litres of illicit liquor. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person. The learned counsel further submitted that based on the confession statement recorded from the other accused only the petitioner was falsely implicated in this case. The learned counsel further submitted that the petitioner had no bad antecedents and he is 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 petitioner.



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4.The learned Government Advocate (Crl. Side) appearing for the respondent Police while opposing the grant of anticipatory bail to the petitioner submitted that on the date of occurrence, the petitioner along with other accused was found in possession of 4.5 litres of illicit liquor. He further submitted that the present petitioner has no previous case pending against him under prohibition Act.

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 is no previous case pending against the petitioner under the Prohibition Act, this Court is inclined to grant anticipatory bail to the petitioner.

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 from the date on which the order copy made ready, before the learned **Judicial Magistrate, Ambur**, on condition that the petitioner shall execute a bond for a sum of



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Rs.10,000/- (Rupees ten thousand only) with two sureties 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 conditions 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.

[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 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