



Crl.O.P.No.27449 of 2023

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C.V.KARTHIKEYAN,J.

The petitioner/A2 seeks anticipatory bail in Crime No.13 of 2023 registered by the respondent police for the offence punishable under Section 4(1)(g) of TNP Act.

2. The case of the prosecution is that the petitioner along with other accused were found to be in illegal possession of 2200 litres of fermented wash.

3. It is stated by the learned counsel for the petitioner that the petitioner has not committed the said offence.

4. However, it is contended by the learned Government Advocate(Crl.Side) that there are 13 previous cases pending against the petitioner herein. Earlier application seeking anticipatory bail had been dismissed on two occasions.



Crl.O.P.No.27449 of 2023

5. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

4. Accordingly, **the petitioner shall make a non-refundable deposit of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of The Head Master, Government Girls' Higher Secondary School, Chinna Selam, Kallakurichi for the usage of any necessary articles for the children** and on such deposit and the production of proof, 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-II, Kallakurichi* on condition that the petitioner shall execute a bond for a sum of **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 condition that:



Crl.O.P.No.27449 of 2023

[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., for a period of three weeks and thereafter as and when required for interrogation.

[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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

Vv

12.02.2024



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