



Crl.O.P.No.28985 of 2024

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A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.437 of 2024, registered for the offences punishable under Sections 4(1)(A), 4(1)(B) of TNP Amendment Act r/w 49 of BNS act on the file of the respondent police and afterwards the FIR was altered under Sections 4(1)(A), 4(1)(B), 4(1-A) of TNP Amendment Act 2024, r/w 49 of BNS Act, the present petition has been filed seeking anticipatory bail.

2.The case of the prosecution is that on 20.10.2024 at 13.00 p.m. on Kodugur Colony General routine patrolling one person viz., Mohan raj is carrying white color sack bag with plastic packets selling something illegally. When he saw the patrolling team he tried to escape and got caught by the team. While search 180 ml of ale 25 nos of packets and Rs.180/- were seized from him and he was surrendered as approver and he showed the main seller and distributor of ale named as Suresh and the team went to the place and arrested the said Suresh, during enquiry he revealed the name of the distributor viz., Seviyan and Chandru. Hence the case.

3.Pleading innocence on the part of the petitioners, false implication in



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the case, learned counsel for the petitioners seek indulgence of this court. He further submits that the 2nd petitioner's name was not found in the FIR and further submit that A2 to A4 were released on bail in Crl.M.P.Nos.6202 of 2024 and 6338 of 2024 and 6200 of 2024 by the Principal District and Sessions Judge at Villupuram. He further submits that petitioners are ready to abide by any stringent condition that may be imposed by this Court.

4.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that based on the confession of A2, A1 was arrested and the respondent police seized 180 ml of ale 25 nos of packets from them. A2 to A4 arrested and released on bail. He would further submit that there is no previous case pending as against the petitioners.

5. Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the



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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 II at Villupuram**, on condition that the petitioners shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intend 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 his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent police on every day at 10.30 a.m. until further orders;

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

[d] the petitioners 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 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 of B.N.S.

25.11.2024

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