



Crl.O.P.No.27995 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(aaa) and 4(1-A) of Tamil Nadu Prohibition Act, 1937 and 420, 465, 468, 484, 471, 488, 463 and 486 of I.P.C. in Crime No.644 of 2022 on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on receipt of secret information, on 10.11.2022, the respondent police along with his team went to the scene of occurrence and they found that the petitioner along with other accused were in possession of 3744 bottles of brandy, each weighing about 180 ml. and seized the same. Based on the alleged occurrence, the present complaint was lodged against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is ranked as A4 and he has been falsely implicated in this case. He would submit that he has not at all committed any offence as alleged by the



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respondent police and he is no way connected with the occurrence. He would submit that the respondent police foisted the case only for statistical purpose and there is no previous case pending against him. He would also submit that his name was not found place in the F.I.R. and only on the confession statement of other accused, he was included in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that on the date of occurrence, the petitioner travelled along with other accused while transporting illicit arrack of 3744 bottles of brandy each weighing about 180 ml. without obtaining any license from the authorities and there is no previous case pending against him. He would also submit that if he is released on anticipatory bail, he will tamper the evidence and hamper the investigation. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Considering the above fact and circumstances of the case and also the fact that the investigation was completed and there is no previous case pending against him, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioner is are 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, Vanur, Villupuram, **on condition that the petitioner shall deposit a sum of Rs.30,000/- (Rupees thirty thousand only) as non-refundable deposit to the credit of Madras High Court Advocate Clerks Welfare Association, Chennai, A/c No. 484077244, Bank : Indian Bank, Branch : High Court. IFSC Code : IDIB000M157 within a period of two weeks from the date of receipt of copy of this order and the petitioner shall also execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, in which, one surety shall be blood relative of the petitioner, 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**



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for anticipatory bail shall stand dismissed and on further condition that:

[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 on every Sunday at 10.30 a.m. for a period of eight weeks.

[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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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