



Crl.O.P.No.29816 of 2024

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SUNDER MOHAN, J.

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 4(1)(C), 4(1-A)(ii) of TN Prohibition (Amendment) Act in Crime No.570 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that based on the secret information, the respondent and his team conducted a search, during which, 1/2 litre of ID arrack was seized from A1 and the petitioner is said to have sold the illicit arrack to A1. Hence, the case.

3. The learned counsel for the Petitioner would submit that the petitioner has been falsely implicated in this case and has nothing to do with the alleged offence. He would further submit that the petitioner is a cancer patient undergoing haemodialysis thrice a week. Hence, he prays for the grant of anticipatory bail to the Petitioner.

4. The learned Government Advocate (Crl. Side) for the



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respondent Police, on instructions, would submit that the petitioner has one previous case of a similar nature. Hence, he opposed for the grant of anticipatory bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Considering the facts and circumstances of the case and also taking into consideration of the fact that the petitioner is a cancer patient, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is 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.I, Namakkal** on condition that the petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees**



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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:

[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 every Saturday at 10.30 a.m., until further orders;

[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

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with law as if the conditions have been imposed and the



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

29.11.2024

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