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Crl.O.P.No.31568 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31568 of 2024

Raja

S/o.Ammasi, No.1/10, East Street, Sirukkalur Post,
Serapattu, Kallakurichi District. and 2 Others

Petitioner(s)

Vs

The State Rep by

The Inspector of Police, Kariyalur Police Station,
Kallakurichi District. Cr.No.119/2024.

Respondent(s)

For Petitioner(s):

V. Gunasekar

A.Logesh

For Respondent(s):

Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(g), 4(1)(aa), 4(1-A) of TN Prohibition Act in Crime No.119 of 2024, on the file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution is that on 28.05.2024, while the respondent were on their routine inspection near Sirukkalur Village, they found accused persons were in possession of two lorry tube containing 60 litres of ID Arrack and 7500 liters of fermented wash without valid license. On seeing the police, they ran away from the spot and upon enquiry, it is found that the petitioners herein along with other accused have involved in the said offence. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that petitioners are innocent and have not committed any offence, as alleged by the prosecution and they have been falsely implicated in this case, only based on the confession of the arrested accused. He would further submit that the petitioners are ready to abide by any condition, that may be imposed by this Court and also to appear and co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting anticipatory bail to the petitioners, stating that the petitioners along with other accused had involved in illegal possession of 60 litres of ID Arrack and 7500 liters of fermented wash. He also submitted that the first and second petitioners herein have two previous cases



and the third petitioner has no previous case and the investigation is still pending.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and the fact that the **first and second petitioners have two previous cases, this Court is not inclined to grant anticipatory bail to the first and second petitioners. Taking into consideration that fact that the third petitioner has no previous case, this Court is inclined to grant anticipatory bail to the third petitioner with certain conditions.**

7. Accordingly, the **third 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 at Sankarapuram** on condition that the third petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties each** 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 third 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 third petitioner shall report before the respondent police everyday at 10:30 a.m., until further orders.

[c] the third petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the third 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



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be registered under Section 269 of B.N.S.

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8. Accordingly, this criminal original petition with respect to first and second petitioner is dismissed, as far as the third petitioner is concerned, this criminal original petition is allowed.

20.12.2024

stn

To

1. The State Rep by
The Inspector of Police,
Kariyalur Police Station,
Kallakurichi District.
Cr.No.119/2024.

A.D. JAGADISH CHANDIRA, J.

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