



Crl.O.P.No.20881 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 4(1)(aaa) and 4(1-A) of Tamil Nadu Prohibition Act, 1937, in Crime No.253 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent Police and their team were on regular check up, the petitioner was found in possession of 749 litres of illicit liquor mixed with poisonous substances in a car. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. On instructions, he would further submit that the petitioner is ready and willing to deposit an amount of Rs.10,000/- to the Chief Justice Relief Fund, High Court, Madras as non-refundable



Crl.O.P.No.20881 of 2022

deposit and prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that there are totally 5 accused in which the petitioner is arrayed as A1. The petitioner was found in possession of 749 litres of illicit liquor mixed with poisonous substances in a car. He would further submit that the petitioner is having 4 previous cases similar in nature. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.10,000/-(Rupees Ten Thousand only) to the Chief Justice Relief Fund, High Court, Madras as non-refundable deposit, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the Chief Justice Relief**



CrI.O.P.No.20881 of 2022

WEB COPY

Fund, High Court, Madras as non-refundable deposit, within a period of six weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on their appearance, before the **learned Judicial Magistrate, Sirkazhi** on condition that the petitioner shall execute a 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 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 deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the Chief Justice Relief Fund, High Court, Madras as non-refundable deposit**, within a period of six weeks from the date on which the order copy made ready and the receipt of such deposit shall be produced before the concerned learned Magistrate at the time of execution of bond.

[c] the petitioner shall report before the respondent police twice



Crl.O.P.No.20881 of 2022

WEB COPY

daily at 10.30 a.m. and 5.30 p.m. for a period of six weeks and thereafter as and when required.

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

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

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

07.09.2022

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Crl.O.P.No.20881 of 2022

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Crl.O.P.No.20881 of 2022

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