



Crl.OP.No.21540 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(aaa), 4(1-A) of Tamilnadu Prohibition Act and Sections 468, 471 and 420 IPC in Crime No.472 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 1392 bottles of Top Star Special Brandy and 1488 bottles of Old Chef Deluxe Brandy of Illicit Arrack.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that a false case has been foisted against the petitioner. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently opposed to grant anticipatory bail to the petitioner stating that the petitioner was having illegal possession of 1392 bottles of Top Star Special Brandy and 1488 bottles of Old Chef Deluxe Brandy of Illicit Arrack.



Crl.OP.No.21540 of 2022

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5. Though this Court, on two occasions dismissed the anticipatory bail to the petitioner, the respondent has failed to secure the petitioner till today. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit by way of Demand Draft to the credit of **Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram**, and on such deposit, the 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 No.II, Kancheepuram, Kancheepuram District, 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;



Crl.OP.No.21540 of 2022

[b] the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit by way of Demand Draft to the credit of **Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram.**

[c] the petitioner shall report before the respondent police daily at 10.30.a.m. for a period of four weeks and thereafter as and when required for interrogation.

[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]*; and;

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

07.09.2022

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Crl.OP.No.21540 of 2022

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Crl.O.P.No.21540 of 2022

07.09.2022