



CrI.O.P.No.21939 of 2022

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WEB C **A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest for the alleged offences under Sections 4(1)(aa), 4(1-A)(ii) of the of Tamil Nadu Prohibition Act, 1937 in Crime No.426 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 60 litres of ID Arrack. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that without prejudice, the petitioner is prepared to deposit Rs.25,000/- to any welfare scheme of the Government and he prays for grant of bail to the petitioner.



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4.The learned Additional Public Prosecutor would submit that the petitioner was found in possession of 60 litres of ID Arrack which is worth about Rs.70,000/-. He would also submit that there is no previous case pending as against the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

6.Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.25,000/- **Dean/Medical Officer, Government Medical College Hospital, Adukamparai, Vellore**, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) directly to the **Dean/Medical Officer, Government Medical College Hospital, Adukamparai, Vellore** and on such deposit and on receipt of proof of payment, 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.V, Vellore, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only only) directly to the **Dean/Medical Officer, Government Medical College Hospital, Adukamparai, Vellore** to enable the Dean to use the aforesaid amount for the purpose of treating alcoholics.



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[c] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two 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]**.

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

12.09.2022



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