



Crl.O.P.No.21436 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 4(1)(aaa) & 14 A of Tamil Nadu Prohibition Act in Crime No.170 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 270 ltrs of illicit Pondy 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 the driver of the petitioner had only transported the illicit arrack without the knowledge of the petitioner and that the petitioner has been implicated only based on the confession of the driver.



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4. Per contra, the learned Government Advocate (Crl.Side) would submit that the petitioner was found in possession of 270 ltrs of illicit Pondy Arrack. He would also submit that the petitioner is a habitual offender and there were 7 previous cases against him, out of which one case is similar in nature. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. In reply, the learned counsel for the petitioner would submit that the case has been registered on 09.02.2022 and the petitioner is prepared to surrender before the Court concerned and he is also ready to deposit an amount of Rs.50,000/- to any welfare scheme of the Government and prays for grant of anticipatory bail to the petitioner.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.50,000/- to any welfare scheme of the Government, 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.50,000/- (Rupees Fifty Thousand only) by way of demand draft directly to the **Dean, Government Villupuram Medical College and Hospital, Mundiampakkam, Villupuram** 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, Vanur on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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;



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[b] the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) by way of demand draft directly to the **Dean, Government Villupuram Medical College and Hospital, Mundiampakkam, Villupuram** to enable the Dean to use the aforesaid amount for the purpose of treating the alcohol influenced patients;

[c] the petitioner shall report before the respondent police every day morning at 10.30 a.m. and evening at 5.30 p.m., until further orders;

[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**



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Kerala [(2005)AIR SCW 5560];

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

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