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Crl.O.P.No.21763 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)(a), 4(1-A)(ii) of Tamil Nadu Prohibition Act in Crime No.433 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 29.08.2022, when the respondent Police was on their routine patrol duty, found the petitioner had illegally transported 43.2 ltrs of illicit 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 also submit that without prejudice, the petitioner are prepared to deposit some considerable amount to any



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welfare scheme of the Government and hence, he prays for grant of anticipatory bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl.Side) would submit that the petitioner had illegally transported 43.2 ltrs of illicit Arrack. He would also submit that there is no previous case against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. In order to curb the illegal activities of transporting illicit arrack, this Court is of the opinion that the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) as non refundable deposit to "The Dean / Medical Officer, Tirupathur District Government Hospital,



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"Tirupathur" without prejudice to his rights and contentions before the trial Court.

7. Merely, because the petitioner deposits 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.

8. 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 prepared to deposit Rs.50,000/- to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is directed to deposit a sum of **Rs.50,000/- (Rupees Fifty thousand only)** as non-refundable deposit by way of **Demand Draft/RTGS/NEFT to the "Dean/Medical Officer, Tirupathur District Government Hospital, Tirupathur District"** within fifteen (15) days from the date of receipt of a copy of this order,



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without prejudice to his rights and contentions before the trial Court and on such deposit and production of proof, the petitioner is directed to be released on bail in the event of his arrest or on his appearance before the **learned Judicial Magistrate No.I, Tirupathur**, on condition that the petitioner shall execute a bond each 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 stands dismissed and on further condition that:

[a] 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 report before the respondent Police daily at 10.30 a.m., until further orders;

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



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[d] the 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 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]**;

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

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