



Crl.O.P.No.21863 of 2022

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

The petitioners, who apprehend arrest for the alleged offences under Sections 4(1-A), 4(1)(a), 14(A) of the of Tamil Nadu Prohibition Act, 1937 in Crime No.119 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of 94 bottles (totally 5 ltrs) of ID Arrack. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that without prejudice, the petitioners are prepared to deposit Rs.5,000/- to any welfare scheme of the Government and he prays for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the



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petitioners were found in possession of 5 ltrs of ID Arrack. He would also submit that there is no previous case pending as against the petitioners. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Merely, because the petitioners have 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 petitioners have come forward to deposit an amount of Rs.5,000/- **Dean, Government Villupuram Medical College Hospital, Villupuram**, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, each of the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) directly to the **Dean, Government Villupuram Medical College Hospital, Villupuram** and on such deposit and



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on receipt of proof of payment, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Tindivanam, on condition that the petitioners shall execute a separate 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 petitioners 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 petitioners shall deposit a sum of Rs.5,000/- (Rupees Five Thousand Only only) directly to the **Dean, Government Villupuram Medical College Hospital, Villupuram** to enable the Dean to use the aforesaid amount for the purpose of treating the alcohol influenced patients.

[c] the petitioners 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 petitioners shall not tamper with evidence or witness either during



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investigation or trial.

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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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