



Crl.O.P.No.22219 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1) (a), 4(1-A) and 14(A) of Tamil Nadu Prohibition Act in Crime No.515 of 2022, seek anticipatory bail.

2. The case of the prosecution is that on secret information, the respondent police have made a search on all the vehicle nearby Villupuram Mettupalayam Bus Stop. During the search, the respondent police have intercepted one vehicle bearing Registration No. PY 1 CX 21717 where, the petitioners along with the main accused were found to be in possession of 20 Litres of ID Arrack in two polythene bags. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are an innocent and they have been falsely implicated in this case since they happens to be the friend of main accused. He would submit that there is no previous case pending against the petitioners and without prejudice, the petitioners are prepared to deposit a sum of Rs.10,000/- towards any Welfare Scheme of the Government. Therefore, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioners and the main accused were found to be in possession of 20 Litres of ID Arrack and the police had recovered the ID Arrack. He would also submit that there is no previous case as against the petitioners. However, he vehemently opposed to grant of anticipatory bail to the petitioners.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioners have come forward to deposit an amount of Rs.10,000/- to the any Welfare Scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. However, it is made clear that merely, because the petitioners deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.



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7. Accordingly, the petitioners shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** as non refundable deposit to the credit of the **Dean, Government Hospital, Mundiampakkam, Villupuram**, and on such deposit, 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 II, Villupuram**, on condition that the petitioners 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 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 report before the respondent police **daily at 10.30 a.m., until further orders.**

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

[d] the petitioners 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 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]**.

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

19.09.2022

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