



Crl.O.P.No22790 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 offences punishable under Section 4(1)(i) and 4(1-A) of TNP Act in Crime No.297 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 08.08.2022, when the respondent police were on patrol duty, the petitioner along with other accused was found to be in possession of 25 bottles (180 ml) of Black Pearl Brandy. On seeing the respondent police, the petitioner ran away from the scene of occurrence. Hence, the case.

3. The learned counsel 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 there is no previous case against the petitioner and without prejudice to his contentions, the petitioner is prepared to deposit a sum of Rs.5,000/- towards any Welfare Scheme of the Government. Therefore, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner was found to be in possession of 25 bottles (180 ml) of Black Pearl Brandy. On seeing the police, the petitioner ran away from the place of occurrence and the respondent police had recovered the contraband. He would also submit that there is no previous case as against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. 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.5,000/- to the any Welfare Scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. However, it is made clear that merely, because the petitioner 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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6. Accordingly, the petitioner shall deposit a sum of Rs.5,000/- (Rupees Twenty Five Thousand only) by way of Demand Draft to the **Dean, Government Hospital, Thiruvallur** 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 No.I, Thiruvallur** 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 automatically 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 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.

21.09.2022

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