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Crl.OP.No.24312 of 2022

Crl.O.P.No.24312 of 2022

SATHI KUMAR SUKUMARA KURUP,J.

The Petitioner, who apprehends arrest at the hands of the Respondent Police for the alleged offences punishable under Sections 4 (1) (aa), 4 (1-A) (ii) of Tamil Nadu Prohibition Act, 1937, in Crime No.171 of 2022, on the file of the Respondent Police, seeks Anticipatory Bail.

2. The case of the Prosecution is that on 19.09.2022, when the Respondent Police were on Patrol Duty, the Petitioner was found in illegal possession of two lorry Tubes each contains 25 litres I.D.Arrack, totally 50 liters of I.D.Arrack. Hence, the Complaint.

3. The learned Counsel appearing for the Petitioner would submit that the Petitioner is an innocent and he had been falsely implicated in this case. He would submit that without prejudice to his



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contentions, the Petitioner is prepared to deposit an amount of **Rs.5,000/-** to any Welfare Scheme of the Government. Therefore, he prays for grant of anticipatory bail to the Petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the Respondent would submit that the Petitioner was found in illegal possession of two lorry Tubes each contains 25 liters I.D.Arrack, totally 50 liters of I.D.Arrack. He would further submit that there is no previous case pending against the Petitioner. Hence, 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) and perused the materials available on record including the First Information Report.

6. Taking into consideration of the submission of the learned Counsel for the Petitioner and the objection made by the learned



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Government Advocate (Crl.Side) and also taking note of the fact that the Petitioner has come forward to deposit an amount of **Rs.5,000/-** to any Welfare Scheme of the Government, this Court is inclined to grant bail to the Petitioner.

7. Accordingly, the Petitioner shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand Only)** by way of Demand Draft to the **Dean, Government Vellore Medical College and Hospital, Vellore District**, and on such deposit, the Petitioner is ordered to be released on bail on executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate, Gudiyatham**. Further, one of the sureties shall be a blood relative.

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial Magistrate, Gudiyatham shall obtain a copy of their Identity Card, Aadhar Card, or



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Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.

(b) the Petitioner shall report before the Respondent Police daily at 10.00 a.m., until further orders.

(c) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.



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(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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