



CRL.O.P.No.24316 of 2022

CrI.O.P.No.24316 of 2022

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SATHI KUMAR SUKUMARA KURUP., J.

The Petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1) (a) & 4(1) (h) of Tamil Nadu Prohibition Act, in Crime No.200 of 2022, seeks anticipatory bail.

2. The case of the Prosecution is that when the Respondent Police were on Patrol Duty, the Petitioner was found in illegal possession of Old Secret XXX Rum 150 bates. Hence, the complaint.

3. The learned Counsel appearing for the Petitioner would submit that the Petitioner is an innocent person and that she did not commit any offence as alleged by the prosecution. He would submit that without prejudice to his 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.



CRL.O.P.No.24316 of 2022

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4. The learned Government Advocate (Crl.Side) appearing for the Respondent would submit that the Petitioner was found in illegal possession of Old Secret XXX Rum 150 bates. He would further submit that there is no previous case pending against the Petitioner. Hence, he vehemently opposed to grant anticipatory 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 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 anticipatory 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



CRL.O.P.No.24316 of 2022

Dean/Superintendent, Government Hospital, Thirupathur District, (Vellore District) and on such deposit, the petitioner is ordered to be released

on bail in the event of arrest by the Respondent Police or the Police Officer, who intends to arrest or on the petitioner surrenders before the *learned Judicial Magistrate Court No.I, Tirupattur*, within a period of fifteen days from the date of receipt of a copy of this order, 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 Court No.I, Tirupattur*. 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. The Police Officer who intends to arrest or the learned Judicial Magistrate before whom the Petitioner surrenders and the sureties execute bond shall obtain a copy of their Identity Card, Aadhar Card, or 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



CRL.O.P.No.24316 of 2022

Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(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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Crl.O.P.No.24316 of 2022

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