



CrI.O.P No.25385 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 alleged offences punishable under Sections 4(1) (aa), 4(1-A) of Tamil Nadu Prohibition Act r/w 6 and 11 of R.S Rules, 2000, in Crime No.522 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found to be in illegal possession of 70 litres of ID Arrack and on seeing the respondent police, he ran away from the scene of occurrence. Hence the complaint.

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 this case relates to the year 2016, thereafter, the petitioner has not indulged in any case for the past six years. However, on instructions, the petitioner without prejudice to his defence, is prepared to make considerable donation to any charitable Organization or Association. Hence, he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (CrI.Side) for the respondent

would submit that the petitioner was found in illegal possession of 70 litres of I.D arrack. He would further submit that there are three previous cases pending against the petitioner, of which, one is similar in nature. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. In order to club the illegal activities and taking into consideration of the voluntary submission made by the petitioner offering to donate/pay considerable amount to any charitable organization or association, this Court is of the opinion that the petitioner shall be directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as non-refundable deposit through RGS/NEFT in favour of the **“The Dean/Medical Officer, Arignar Anna Memorial Cancer Hospital & Research Institute**, on such payment and production of proof, he shall 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 Judicial Magistrate Court, Mathuranthakam, 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,



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the petition for anticipatory bail shall stand dismissed and on further condition

that:

[a] Merely, because the petitioner deposit the said amount, it would not amount to admission of her guilt. Therefore, it is open to the trial Court to deal with the case independently.

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[d] the petitioner shall not commit any offences of similar nature;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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 petitioner/s 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]**.

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

19.10.2022

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