



Crl.O.P.No.25482 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)(a), 4(1-A) of T.N.P.Act in Cr.No.430 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 10 liters of I.D.arrack. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. On instructions, he would further submits that without prejudice to their defence and contentions, the petitioner is ready to deposit a sum of Rs.5,000/- in favour of the "The Dean/Medical Officer, Government Kallakurichi Medical College and Hospital, Kallakurichi". Therefore, he prays to grant anticipatory bail to the petitioner.

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4. The learned Government Advocate (CrI.Side) would vehemently opposed to grant of anticipatory bail by stating that petitioner was found in illegal possession of 10 liters of I.D.arrack. He further submitted that, apart from this case, there is no previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking note of the facts and submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] the petitioner is directed to deposit a sum of Rs.5,000/-(Rupees Five Thousand only) as non-refundable deposit either through RTGS/NEFT or in cash in favour of **"The Dean/Medical Officer, Government Kallakurichi Medical College and Hospital, Kallakurichi"** within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioner is directed to be released on bail in the event of his arrest or on his appearance and on production of proof of payment of the above amount.



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[b] 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 **Judicial Magistrate, Sankarapuram**, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:-

[c] the petitioner shall report before the respondent police twice daily at 10.30 a.m and 5.30 p.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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



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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]*; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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