



Crl.O.P.No.26777 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 Sections 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act, 1937 in Crime No.1374 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 04.10.2022 at about 6.30 a.m., during the regular patrol, the respondent police found that the petitioner was in illegal possession of 300 packets of Pondicherry Liquor in two gunny bags (each bag contains 150 packets (35 litres)). Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has no previous case against him. He would further submit that the petitioner will not tamper the prosecution witnesses and the petitioner is ready to furnish sufficient solvent sureties for his release. He would also submit that without prejudice, the petitioner is prepared to deposit a sum of



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Rs.10,000/- to any Welfare Scheme of the Government. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner was found in illegal possession of 300 packets of Pondicherry Liquor in two gunny bags (each bag contains 150 packets (35 litres)). Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made on both sides and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.10,000/- to **the Dean, Government Villupuram Medical College and Hospital, Mundiampakkam Village, Vikkaravandi Taluk, Villupuram District**, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of



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Rs.10,000/- (Rupees Ten Thousand only) directly to **the Dean, Government**

**Villupuram Medical College and Hospital, Mundiampakkam Village,**

**Vikkaravandi Taluk, Villupuram District** and on such deposit and on receipt

of proof of payment, 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 **Judicial Magistrate Court**

**No.III, Cuddalore** 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 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 deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) directly to **the Dean, Government Villupuram Medical College and Hospital, Mundiampakkam Village, Vikkaravandi Taluk, Villupuram District**, to enable the Dean to use the aforesaid amount for the



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purpose of treating the alcohol influenced patients.

**[c] the petitioner shall report before the respondent police daily at 10.30 a.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 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]**.**

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

**04.11.2022**

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