



Crl.O.P.No.26766 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.1858 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 06.12.2020 at about 18.00 hours, during regular patrol conducted by the respondent police along with their police men within the limits of police station, they found that the petitioner was in possession of 20 Litres of prohibited Pondicherry Liquor in two polythene bags, each bag contains 10 Litres of Pondicherry Liquor. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated by the respondent police. He would further submit that already two cases have been



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registered by the respondent police against the petitioner, out of which, in Crime No.386 of 2022, the petitioner was arrested and remanded Judicial Custody before the very same police station on 18.09.2022 and thereafter released on bail on 10.10.2022. While complying with the condition before the respondent police, the petitioner was came to know about the present case in Crime No.1858 of 2020. He would also submit that without prejudice, the petitioner is prepared to deposit a sum of Rs.25,000/- to any Welfare Scheme of the Government and 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 20 Litres of prohibited Pondicherry Liquor in two polythene bags, each bag contains 10 Litres of Pondicherry Liquor. He would further submit that in previous case in Crime No.386 of 2022, bail has been granted to the petitioner by the lower Court. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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

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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.25,000/- to **the Dean, Thiruvarur Government Medical College and Hospital, Thiruvarur**, 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 Rs.25,000/- (Rupees Twenty Five Thousand only) directly to **the Dean, Thiruvarur Government Medical College and Hospital, Thiruvarur** 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, Thiruvarur** on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)



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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.25,000/- (Rupees Twenty Five Thousand only) directly to **the Dean, Thiruvarur Government Medical College and Hospital, Thiruvarur**, to enable the Dean to use the aforesaid amount for the purpose of treating the alcohol influenced patients.

**[c] the petitioner shall report before the respondent police everyday 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]**.



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

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