



Crl.O.P.No.27389 of 2022

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WEB C **A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest for the alleged offences under Sections 4(1)(aaa) and 4(1-A) of the Tamil Nadu Prohibition Act, 1937 in Crime No.640 of 2017 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with another accused was found in possession of 105 liters of illicit arrack, 1488 Nos of brandy bottles each containing 180 ml and 192 Nos of brandy bottles each containing 180 ml. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioner would submit that on the confession of arrested accused, this petitioner has been implicated in this case and he was not present at the scene of occurrence. He would submit that the earlier 3 petitions have been dismissed by this Court and this is the 4th petition and despite the fact that the case was registered during the year 2017



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and three dismissal Orders of this Court, the respondent did not take any steps to arrest the petitioner. He would further submit that the petitioner is now willing to abide by any stringent condition that may be imposed by this Court and co-operate with the respondent police for the investigation of this case and also without prejudice, petitioner is prepared to deposit a sum of Rs.25,000/- to the Government for any welfare purpose and he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner along with another accused was found in possession of 105 liters of illicit arrack, 1488 Nos of brandy bottles each containing 180 ml and 192 Nos of brandy bottles each containing 180 ml. He would further submit that the investigation is pending. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel. Considering the facts and circumstances of the case and without prejudice, petitioner is undertaking to



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deposit a sum of Rs.25,000/- to the Government for any welfare purpose, this

Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as a non-refundable deposit by way of **Demand Draft/RTGS/NEFT to the “The Dean/Medical Officer, Government Villupuram Medical College & Hospital, Mundiyaambakkam Village, Villupuram - 605601”** and on such deposit, 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 **learned Judicial Magistrate-I, Tindivanam**, 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:



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[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) as non-refundable deposit to the **“The Dean/Medical Officer, Government Villupuram Medical College & Hospital, Mundiymbakkam Village, Villupuram - 605601”** and the acknowledgement for the same shall be produced before the learned Magistrate at time of execution of bond.

[c] the petitioner shall report before the respondent police every day 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



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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.

10.11.2022

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