



Crl.O.P.No.28667 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(aa) and 4(1-A) of TNP Act in Crime No.283 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found in illegal possession of 60 litres of ID arrack. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would also submit that without prejudice, the petitioners are prepared to deposit a considerable amount as non- refundable deposit to any welfare scheme of the Government and they are prepared to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of anticipatory bail to the petitioners.



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4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners were found in possession of 60 litres of ID arrack. He would further submit that as far as the 1st petitioner is concerned, there are two previous cases of similar in nature pending against him and there is no previous case pending as against the 2nd petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Heard the learned counsel and perused the entire materials available on record including the First Information Report.

6.As far as the 1st petitioner is concerned, there are two previous cases pending against him and this Court is not inclined to grant anticipatory bail to the 1st petitioner.

7.As far as the 2nd petitioner is concerned, in order to curb the illegal activities of transporting illicit arrack, this Court is of the opinion that the 2nd petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five thousand only) as non refundable deposit to "The Dean / Medical



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Officer, Government Mohan Kumaramangalam Medical College Hospital, Salem", without prejudice to his rights and contentions before the trial Court.

8.Merely, because the 2nd petitioner deposit the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

9.Taking into consideration the facts and circumstances of the case and also taking note of the fact that the 2nd petitioner is prepared to deposit Rs.25,000/- to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the 2nd petitioner alone with certain conditions.

10.Accordingly, as far as the 1st petitioner is concerned, this petition is dismissed and as far as the 2nd petitioner is concerned, the 2nd petitioner is directed to **deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) by way of Demand Draft/RTGS/NEFT to the**



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"The Dean / Medical Officer, Government Mohan Kumaramangalam Medical College Hospital, Salem", without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the 2nd 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 No.II, Aathur, Salem District, on condition that the 2nd 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 2nd 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.



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[b] the 2nd petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the 2nd petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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]**;

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

22.11.2022

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