



Crl.O.P.No.28500 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)(aaa) and 4(1-A) of TNP Act in Crime No.117 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner along with other accused was found in illegal possession of 360 litres of ID arrack. Hence the complaint.

3.The learned counsel for the petitioner would submit that this is the second application for anticipatory bail before this Court and the earlier application for anticipatory bail has been dismissed on the ground that there are three previous cases pending against the petitioner. However on verification it was found that there is no previous case against the petitioner and without prejudice, the petitioner is ready and willing to deposit a sum of Rs.25,000/- as non- refundable deposit to any welfare scheme of the Government and hence, he prays for grant of bail



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to the petitioner.

4.The learned Additional Public Prosecutor on instruction would submit that there is no previous case pending against the petitioner. Due to mis-communication, a wrong instruction had been given as if the petitioner has got three previous cases. He would reiterate that on verification there is no previous case pending against him. However, he opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.

6.Taking into consideration the facts and circumstances of the case and also the submissions made by the learned Counsel for the petitioner, 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.25,000/- (Rupees Twenty Five Thousand only) to the **Dean/Medical Officer, Government Medical College and Hospital, Kallakurichi District** and on such receipt 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 learned Judicial Magistrate, Sankarapuram 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 report before the respondent Police daily at 10.30 a.m for period of two weeks and thereafter, on every Saturday at 10.30



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a.m., until further orders.

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

[d] the 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 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]**;

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

24.11.2022

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