



Crl.O.P.No.28141 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 r/w Sections 5 and 6 of TNRS Rules 2000 (Transporting) in Crime No.579 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in possession of 50 cans of 1750 litres of rectified spirit. Hence the complaint.

3.The learned counsel for the petitioner would submit that this is the second application for anticipatory bail and when the petitioner had earlier approached this Court in Crl.O.P.No.24394 of 2019, this Court by an order dated 12.09.2019 was pleased to grant anticipatory bail with a condition that the petitioner shall deposit a sum of Rs.10,000/- to the Dean, Stanley Medical College, Chennai and the petitioner was also directed to surrender and execute the sureties within a period of two



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weeks or else the petition for anticipatory bail shall stand automatically dismissed. Subsequently, the respondent/Police has implicated the petitioner in another case and thereby, the petitioner was unable to surrender and in another case, he has been granted anticipatory bail in Crl.O.P.No.27239 of 2022 and thereby, the present application has been filed.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner was found in illegal possession of 50 cans of 1750 litres of rectified spirit. He would further submit that there are 13 previous cases pending against him and thereby, he opposed for grant of anticipatory bail to the petitioner.

5.In reply, the learned counsel for the petitioner would submit that in all these cases, the petitioner has been either granted bail or anticipatory bail and even in later cases, registered by the Sub Inspector of Police, PEW-Polur Police Station in Crime No.1004 of 2019, this Court had granted anticipatory bail in Crl.O.P.No.27239 of 2022. He



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would further submit that without prejudice, the petitioner is also ready to deposit an amount of Rs.5,000/- to any welfare scheme of the Government and prays for grant of anticipatory bail to the petitioner.

6. Normally this Court does not grant anticipatory bail while there are previous cases against the accused. Further it is submitted by the learned counsel for the petitioner that in all these cases, he has been granted anticipatory bail and even in this case, the petitioner was earlier granted anticipatory bail and since he was unable to surrender and execute the sureties within the time, the earlier order passed by this Court has got lapsed.

7. Taking into consideration the facts and submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of **Taluk Legal**



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Services Authority, attached to the concerned Court and also deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the **Dean, Stanley Medical College, Chennai** as ordered in Crl.O.P.No.24394 of 2019 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 No.I, Nagapattinam**, 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.



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[b] the petitioner shall stay at Nagapattinam and report before the Inspector of Police, PEW Nagapattinam Police Station daily at 10.30 a.m and 5.30 p.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;

22.11.2022

vkr

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