



Crl.OP.No.27554 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest for the alleged offences under Sections 4(1)(g), 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act, 1937 in Crime No.478 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioners were found in illegal possession of 20 litres of illicit arrack and 400 litres of fermented of wash. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioners are innocent and they have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that without prejudice to their rights, the petitioners are prepared to deposit a sum of Rs.10,000/- to the Government for any welfare purpose as directed by this Court and he prays for grant of anticipatory bail to the petitioners.



WEB COPY

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioners were found in illegal possession of 20 litres of illicit arrack and 400 litres of fermented wash. He would further submit that there is no previous case as against the first petitioner and as for as the second petitioner is concerned, he has got two previous cases as against him. Hence, he would vehemently oppose to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and the submissions made and also the fact that the first petitioner is having no previous case as against him and hence, this Court is inclined to grant anticipatory bail to the first petitioner with certain conditions and as far as the second petitioner is concerned, he has got two previous cases as against him, this Court is not inclined to grant anticipatory bail to the second petitioner.

6. Accordingly, the first petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** as non-refundable deposit either through RTGS/NEFT or in cash in favour of “ ***The Dean, Government Medical College Hospital, Villupuram***” and on such deposit, the first



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, Tirukovilur*, 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 first 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 first petitioner shall report before the respondent police every day at 10.30 a.m for a period of four weeks and on every Saturday at 10.30 a.m., until further orders.

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

[d] the first petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned



Crl.OP.No.27554 of 2022

Magistrate/Trial Court is entitled to take appropriate action against the first petitioner in accordance with law as if the conditions have been imposed and the first 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.

7. With the above directions, this Criminal Original Petition in respect of the first petitioner stands ordered and the Criminal Original Petition in respect of 2nd petitioner is dismissed.

14.11.2022

Vv



WEB COPY



Crl.OP.No.27554 of 2022

A.D.JAGADISH CHANDIRA, J.

Vv

Crl.OP.No.27554 of 2022

14.11.2022