



Crl.O.P.No.28001 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 offence punishable under Sections 4(1)(aaa), 14A of TNP Act in Crime No.170 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 27 litres of ID Arrack. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioner has not been committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner has earlier granted anticipatory bail by this Court in Crl.O.P.No.14014 of 2022 on 17.06.2022. Due to paucity of funds, he was unable to deposit the amount in time and the order has got lapsed. Hence, they filed this present petition seeking for anticipatory bail.



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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner was found in illegal possession of 27 litres of ID Arrack. He would further submit that the petitioner was earlier granted anticipatory bail by this Court in Crl.O.P.No.14014 of 2022 vide Order dated 17.06.2022, however he failed to execute the sureties. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.In reply, the learned counsel for the petitioners would submit that the petitioner is also ready to deposit an amount of Rs.1,000/- to any welfare scheme of the Government and prays for grant of anticipatory bail to the petitioner.

6.Merely, because the petitioner has deposited 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.



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7.Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.1,000/- to any welfare scheme of the Government, 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.1,000/- (Rupees One Thousand only) to the credit of **Taluk Legal Services Authority, attached to the concerned Court** and also deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai as ordered in Crl.O.P.No.14014 of 2022 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, Vannur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the



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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 twice at 10.30 a.m and 5.30 p.m., for a period of two weeks and thereafter as and when required for interrogation.

[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



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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;

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