



Crl.O.P.No.28103 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 Tamil Nadu Prohibition Act r/w Sections 5 to 7 of TN Rectified Spirit Rules 2000 in Crime No.921 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused was found in illegal transportation of 9,600 litres of rectified spirit. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case based on the confession statement recorded from the arrested accused. He would submit that there are 10 accused persons in this case who have been arrested, out of which, 7 accused persons have been enlarged on bail and one accused has been detained under Act



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14 and another accused person has been granted anticipatory bail by this Court in Crl.O.P.No.24704 of 2022. He would further submit that without prejudice, the petitioner is prepared to deposit a sum of Rs.50,000/- to the Government for any welfare purpose and he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused was found in illegal transportation of 9,600 litres of rectified spirit. He would further submit that the petitioner has got some previous case against him. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner was having previous case prior to the year 2016 and thereafter, the petitioner did not involve in any of the offences for the past 6 years. Hence, he prays for grant of anticipatory bail to the petitioner.



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6.Heard the learned counsel. Considering the facts and circumstances of the case and without prejudice, the petitioner is undertaking to deposit a sum of Rs.50,000/- to the Government for any welfare purpose, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as non-refundable deposit to the **“The Dean/Medical Officer, Government Hospital - Tiruppur”** and on such deposit, 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, Uthukkuli** 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



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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 deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as non-refundable deposit to the **“The Dean/Medical Officer, Government Hospital - Tiruppur”** and the acknowledgement for the same shall be produced before the learned Magistrate at time of execution of bond.

[c] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of four weeks and thereafter on every Saturday at 10.30 a.m., until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance



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with law as if the conditions have been imposed and the petitioners 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]***; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

17.11.2022

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