



Crl.O.P.No.28830 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)(k) and 24 of TNP Act in Crime No.748 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 5 brandy bottles each containing 180 ml. Hence the complaint.

3.The learned counsel for the petitioner would submit that this is the second application for anticipatory bail and the earlier application for anticipatory was dismissed on the ground that there are three previous cases similar in nature pending against him. She would further submit that the petitioner is aged about 62 years and in the earlier cases, the quantity recovered from the petitioner is very minimum and the petitioner is addicted to liquor. She would also submit that without prejudice, the petitioner is ready and willing to deposit a sum of Rs.10,000/- as non-



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refundable deposit to any welfare scheme of the Government and hence,
she prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor on verification would submit that the petitioner is a habitual offender and that there are three previous cases similar in nature pending against him. Hence, 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.



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7. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the **Dean/Medical Officer, Government Medical College and Hospital, Kilpauk** 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 District Munsif cum Judicial Magistrate, Madhavaram 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 report before the respondent Police daily at 6.30 p.m for period of four weeks and thereafter, on every Saturday at 10.30 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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