



Crl.O.P.Nos.29516 and 29636 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners in Crl.O.P.No.29516 of 2022 who apprehend arrest at the hands of the respondent police for the offences punishable under Section 4(1)(aaa) of TNP Act in Crime No.113 of 2022, seek anticipatory bail.

The petitioners in Crl.O.P.No.29636 of 2022 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(aaa) and 4(1-A) of TNP Act in Crime No.117 of 2022, seek anticipatory bail.

2(i).The case of the prosecution in Crl.O.P.No.29516 of 2022 is that during regular inspection/patrol conducted by the respondent Police, they found that the petitioners were in possession of 150 litres of ID Arrack. Hence the complaint.

2(ii).The case of the prosecution in Crl.O.P.No.29636 of 2022 is that during regular inspection/patrol conducted by the respondent Police, they found that the petitioners were in possession of 360 litres of



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ID Arrack. Hence the complaint.

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3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have nothing to do with the alleged offence. He would further submit that these two cases have registered within a span of three days and other than these two cases, there is no case pending against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioners are habitual offenders against whom there are two previous cases pending against them. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.At this juncture, the learned counsel for the petitioners would submit that without prejudice, the petitioners are prepared to deposit an amount of Rs.25,000/- each as non- refundable deposit to any welfare scheme of the Government and they are prepared to abide by any stringent conditions that may be imposed by this Court and hence, he



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prays for grant of anticipatory bail to the petitioners.

6. Heard the learned counsel and perused the entire materials available on record.

7. In order to curb the illegal activities of transporting illicit arrack, this Court is of the opinion that the petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each as non refundable deposit to "The Dean/Medical Officer, Government Villupuram Medical College and Hospital, Mundiampakkam, Villupuram District", without prejudice to their rights and contentions before the trial Court.

8. Merely, because the petitioner deposits the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. Taking into consideration the facts of the case and the



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submissions made by the learned counsel and also taking note of the fact that the petitioners have come forward to deposit an amount of Rs.25,000/- each to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each by way of Demand Draft/RTGS/NEFT to "The Dean/Medical Officer, Government Villupuram Medical College and Hospital, Mundiampakkam, Villupuram District", without prejudice to their right and contentions before the trial Court, on such deposit and production of proof, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Sankarapuram on condition that each of the petitioners 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



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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 petitioners 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 petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as



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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;

01.12.2022

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