



CrI.O.P.No.3937 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence punishable under Sections 4(1)(g), 4(1)(aaa) and 4(1-A) of TNP Act in Cr.No.2 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent police were conducting regular checking they found that, at Sadayampatty foot hill, the petitioner was preparing ID Arrack and when he saw the respondent police, the petitioner escaped from the scene of occurrence and on further investigation, 2000 liters of Wash and 200 liters of ID Arrack was found in the place of occurrence. Hence, this complaint.

3. Learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioner.



Crl.O.P.No.3937 of 2023

WEB COPY

4. Learned Government Advocate (Crl.side) submits that the petitioner was involved in preparation of ID Arrack. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that the petitioner on his own volition, is ready to deposit an amount of Rs.10,000/- to the credit of the Advocate Clerks Welfare Association, Salem District, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to make an non-refundable deposit of a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Advocate Clerks Welfare Association, Salem District within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the **learned Judicial Magistrate No.I, Attur**, 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



CrI.O.P.No.3937 of 2023

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 shall make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of the Advocate Clerks Welfare Association, Salem District, within a period of four weeks from the date of receipt of a copy of this order.

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police on every Tuesday at 10.30 a.m. for a period of six weeks;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;



CrI.O.P.No.3937 of 2023

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner

T.V.THAMILSELVI, J.

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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]*; and;

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

27.02.2023

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CrI.O.P.No.3937 of 2023

CrI.O.P.No.3937 of 2023