



Crl.O.P.No.4685 of 2023

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T.V.THAMILSELVI,J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(a) and 4(1-A) of TN Prohibition Act in Crime No.99 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons were found in illegal transportation of 40 bottles of Brandy. Hence the complaint.

3. Learned counsel for the petitioner would submit that the petitioner is an innocent person and he is in no way connected with the alleged offences. He would also submit that the co-accused was already released on bail by the lower court. Hence, hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the petitioner along with other accused persons were found in illegal transportation of 40 bottles of Brandy, worth about Rs.6,000/-. He would further submit that there is no



previous case pending against the petitioner. Hence, he opposed to grant anticipatory bail to the petitioner.

5. In order to curb the illegal activities of transporting illicit arrack, this Court is of the opinion that the petitioner shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) as non refundable deposit to "The Registered Advocate Clerk Association, Thanjavur"**, without prejudice to his rights and contentions before the trial Court.

6. 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 prepared to deposit Rs.5,000/- to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to **deposit a sum of Rs.5,000/- (Rupees Five Thousand only) by way of Demand Draft/RTGS/NEFT to "The registered Advocate Clerk Association,**



Thanjavur District", without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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 No.1, Tiruvallur**, on condition that the petitioner shall execute separate 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 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 every Saturday at 10.30 a.m., for a period of two months.

[c] the petitioner shall not tamper with evidence or witness either during investigation or



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trial.

[d] the petitioner shall not abscond either during investigation or trial.

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[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.

02.03.2023

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