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Crl.O.P.No.4684 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(a), 4(1-A) of TNP Act in Crime No.46 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners was found in illegal possession of 16½ litres of ID arrack on the backyard of their house and on seeing the respondent police, they ran away leaving the gunny bag. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioner are innocent persons and a false case has been registered against them for statistical purpose.

4. The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioners were found in illegal



Crl.O.P.No.4684 of 2023

WEB COPY

possession of 16½ litres of ID arrack. He would further submit that as far as the first petitioner is concerned, he has got one previous case against him and the second petitioner has no previous against her. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. In reply, the learned counsel appearing for the petitioners would submit that the case against the first petitioner is of the year 2020 and thereafter there is no case pending against him. He would further submit that without prejudice, the petitioners are prepared to deposit Rs.25,000/- to any welfare scheme of the Government and he prays for grant of bail to the petitioners.

6. Merely because, the petitioners have deposited 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.



Crl.O.P.No.4684 of 2023

WEB COPY

7. Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioners have come forward to deposit an amount of Rs.25,000/- as non refundable deposit to "The Registered Advocate Clerk Association, Vellore" this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are directed to deposit totally a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) by way of Demand Draft/RTGS/NEFT as non refundable deposit to "The Registered Advocate Clerk Association, Vellore" and on such deposit and on receipt of proof of payment, 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 No.I, Vellore, on condition that each of the petitioner shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the



Crl.O.P.No.4684 of 2023

WEB COPY

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 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 deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only only) by way of Demand Draft/RTGS/NEFT as non refundable deposit to "The Registered Advocate Clerk Association, Vellore".

[c] the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

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



Crl.O.P.No.4684 of 2023

himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

08.03.2023

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