



Crl.O.P.No.4812 of 2023

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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 Section 4(1)(aaa) 4(1) (b), 4(1)(h) r/w 4(1-A) of T.N.P. Act, 420, 465, 468, 471, 472, 120B, 328 of IPC r/w 5 & 7 of TN Rectified Spirit Rules, 2000 in Crime No.10 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 10.01.2023, when the respondent police was on regular patrol duty, the petitioner along with other accused were found to be in possession of (1) fake Directors Club 750 ml 576 bottles (2) fake Golden Chocie 180 ml 1440 bottles (3) 180 ml 420 bottles without any sticker (4) 140 litres spirit (5) illicit Pondy Arrack 750 litres (6) Carg 11 Bags (7) Stickers and other materials used for making fake liquor bottles. The respondent police seized the fake liquors and arrested the petitioners and registered the case against them. Hence, the complaint.



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3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the co-accused in this case was already released on bail in Crl.OP.No.1452 of 2023 dated 25.01.2023. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused persons were found to be in possession of (1) fake Directors Club 750 ml 576 bottles (2) fake Golden Chocie 180 ml 1440 bottles (3) 180 ml 420 bottles without any sticker (4) 140 litres spirit (5) illicit Pondy Arrack 750 litres (6) Carg 11 Bags (7) Stickers and other materials used for making fake liquor bottles. He would also submit that there is no previous case pending as against the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that without prejudice, the petitioner is prepared to deposit an amount



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of Rs.25,000/- as non- refundable deposit to any welfare scheme of the Government and he is prepared to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of anticipatory bail to the petitioner.

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

7. Taking into consideration the facts and circumstances of the case, the submissions made on both sides and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.25,000/- to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of "**Jawaharlal Institute of Postgraduate Medical Education and Research (also known as**



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JIPMER) Pondicherry", and on such deposit 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 Judicial Magistrate No.II, Nagapattinam**, 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.

[b] the petitioner shall report before the Judicial Magistrate No.II, Nagapattinam for a period of two weeks on all working days and thereafter as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or



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witness either during investigation or trial.

[e] the petitioner 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 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]**.

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

09.03.2023

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