



Crl.O.P.No.4874 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)(1) & 24 of TN Prohibition Act, in Crime No.81 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, who is the owner of the Tasmac Bar was found to sell liquor beyond the prescribed period and he was found to sell 1135 bottles in his bar. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he is the owner of the Tasmac bar and after the time was over, the other staff have sold the bottles without his knowledge. He would further submit that without prejudice, the petitioner is prepared to deposit a sum of Rs.15,000/- to any welfare scheme of the Government and he prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.4874 of 2023

4. The learned Government Advocate (Criminal Side) would submit

that the petitioner, who is the owner of the Tasmac Bar was found to sell liquor beyond the prescribed time and the respondent seized 1135 bottles in his bar. 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. Heard both sides and perused the materials available on record.

6. 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.15,000/- to **"The Dean/Medical Officer, Chengalpattu Government Medical College and Hospital, Chengalpattu District, "**, 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



Crl.O.P.No.4874 of 2023

Rs.15,000/- (Rupees Fifteen Thousand only) by way of Demand Draft to **"The**

Dean/Medical Officer, Chengalpattu Government Medical College and

Hospital, Chengalpattu District," 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,**

Poonamallee, 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 respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter on every Saturday at 10.30 a.m.,**



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Crl.O.P.No.4874 of 2023

until further orders.

[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.

[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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Crl.O.P.No.4874 of 2023

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Crl.O.P.No.4874 of 2023

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