



Crl.O.P.Nos.4937, 5125 & 5128 of 2023

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**A.D.JAGADISH CHANDIRA, J.**

In Crl.O.P.No.4937 of 2023, the petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(i), 4(1)(aaa) and 4(1-A) of the of Tamil Nadu Prohibition Act, 1937 read with Sections 4 and 5 of the Tamil Nadu Rectified Spirit Rules, 2000, in Crime No.70 of 2023, seeks anticipatory bail.

2. In Crl.O.P.No.5125 of 2023, the petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(aaa), 4(1)(b), 4(1)(h) and 4(1-A) of the of Tamil Nadu Prohibition Act, 1937, Sections 420, 465, 468, 471, 472, 328 of the Indian Penal Code, 1860 read with Sections 5 and 7 of the Tamil Nadu Rectified Spirit Rules, 2000, in Crime No.50 of 2023, seeks anticipatory bail.



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3. In Crl.O.P.No.5128 of 2023, the petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(aaa), 4(1)(b), 4(1)(h) and 4(1-A) of the of Tamil Nadu Prohibition Act, 1937, Sections 420, 465, 468, 471, 472, 120B and 328 of the Indian Penal Code, 1860 read with Sections 5 and 7 of the Tamil Nadu Rectified Spirit Rules, 2000, in Crime No.10 of 2023, seeks anticipatory bail.

4. In Crl.O.P.No.4937 of 2023, the case of the prosecution is that on 26.01.2023 at about 8.00 a.m., during regular patrol conducted by the respondent police along with their police men within the limits of police station, they found that the petitioner along with other accused were in possession of 1750 litres of Pondicherry liquor and 805 litres of rectified spirit. Hence the complaint.

5. In Crl.O.P.No.5125 of 2023, the case of the prosecution is that on 09.02.2023 at about 6.00 a.m., during regular patrol conducted by the



respondent police along with their police men within the limits of police station, they found that the petitioner along with other accused were in possession of 80 litres of Pondicherry liquor and 450 litres of arrack. Hence the complaint.

6. In Crl.O.P.No.5128 of 2023, the case of the prosecution is that on 10.01.2023 at about 15.00 hours, during regular patrol conducted by the respondent police along with their police men within the limits of police station, they found that the petitioner along with other accused were in possession of 1310 litres of Pondicherry Liquor, 140 litres of rectified spirit and 500 litres of arrack. Hence the complaint.

7. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in this case based on the Confession Statement recorded from the arrested accused and he submitted that other than the Confession Statement,



there is absolutely no material available as against the petitioner. He further submitted that the petitioner is running a petrol bunk, due to some animosity, he has been falsely roped into this case. He submitted that the petitioner is ready and willing to furnish solvent sureties and abide by any stringent condition that may be imposed on him. He also submitted that without prejudice, the petitioner is prepared to deposit a sum of Rs.30,000/- to the Dean/Medical Officer, Government Head Quarters Hospital, Nagapattinam District.

8. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner along with other accused were found in possession of 3140 litres of Pondicherry Liquor, 945 litres of spirit and 950 litres of arrack. He further submitted that the petitioner has got 10 previous cases similar in nature registered by various stations in Nagapattinam District. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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9. In reply, the learned counsel for the petitioner submitted that in all those cases except Crime No.1486 of 2020 registered by the Inspector of Police (PEW), Nagore Police Station, Nagapattinam District, the petitioner's name has been deleted in all other cases stating that the petitioner has been wrongly implicated in the cases. He further submitted that the petitioner has also suffered serious fracture on the right leg, he is bed ridden now and he is not in a position to appear before the respondent police. He further submitted that one of the co-accused in this case has been granted anticipatory bail by this Court in Crl.O.P.No.2533 of 2023 dated 07.02.2023 and thereby, he seeks for grant of anticipatory bail to the petitioner.

10. Heard both sides and perused the entire materials available on record including the FIR.

11. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open for the trial Court to deal with the case independently.



12. Taking into consideration the facts and circumstances of the case, the submissions made by the counsel on both sides and also taking note of the fact that the petitioner has come forward to deposit a sum of Rs.30,000/- to **"The Dean/Medical Officer, Government Head Quarters Hospital, Nagapattinam District"**, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

13. Accordingly, the petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) directly to **"The Dean/Medical Officer, Government Head Quarters Hospital, Nagapattinam 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, Sirkazhi and the learned Judicial Magistrate, Thiruthuraipoondi**, on condition that in each case, **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 deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) directly to **"The Dean/Medical Officer, Government Head Quarters Hospital, Nagapattinam District"** to enable the Dean to use the aforesaid amount for the purpose of treating the alcohol influenced patients.

[c] **the petitioner shall report before the Inspector of Police (PEW), Sirkazhi Police Station, Mayiladuthurai District, every Saturday at 10.30 a.m., starting from 22.04.2023.**

[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



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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.

**23.03.2023**

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