



Crl.O.P.No.5359 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 alleged offences punishable under Sections 4(1)(aaa), 4(1-A) of TNP Act, in Crime No.522 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 24.08.2021, while the respondent police conducted routine check up, they intercepted one Tata Indica Car bearing Registration No.T-31-AJ-2057, and on checking they found that the petitioner along with other accused has transported 400 liters of illicit ID Arrack. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and aged about 76 years and he has been roped it based on the confession statement recorded by the arrested accused. He further submits that the case is of the year 2021 and the petitioner has no previous case pending against him. He would also submit that without prejudice, the petitioner is prepared to deposit a sum of Rs.10,000/- to any welfare scheme of the Government and he prays for grant of



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anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused persons were indulged in illegal transportation of 400 litres of illicit ID Arrack. 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.10,000/- 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.10,000/- (Rupees Ten Thousand only) directly to **"The Dean/Medical Officer, Periyar Government Hospital, Mayiladuthurai 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,



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within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate No.II Mayiladuthurai**, 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 deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) directly to **"The Dean/Medical Officer, Periyar Government Hospital, Mayiladuthurai 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 respondent police everyday at 10.30 a.m., until further orders.**



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[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.

10.03.2023

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