



Crl.O.P.No.5515 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)(aaa) and 4(1-A)(ii) of the Tamil Nadu Prohibition Act, in Crime No.64 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, based on the secret information the respondent police conducted search, at that time, they found the petitioner along with other accused were in possession of 2880 bottles of illicit arrack. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the first accused has got one previous case of the year 2018 and the other petitioners has no previous cases pending against him. He would also submit that without prejudice, the first petitioner is ready to deposit a sum of Rs.25,000/- and Rs.10,000/- each for the the second and third petitioners, to any welfare scheme of the Government and



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he prays for grant of anticipatory bail to the petitioner.

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4. The learned Government Advocate (Criminal Side) would submit that the petitioners along with other accused persons were found in possession of 2880 bottles of illicit arrack. He would also submit that the first accused has one previous case pending against him for the year 2018 and the other petitioners has no previous case against them. 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 petitioners has come forward to deposit an amount of Rs.25,000/- for the first petitioner and Rs.10,000/- each, for the second and third petitioners, to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the first petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) and a sum of Rs.10,000/- (Rupees Ten Thousand only) each, for the second and third petitioners, directly



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to the **"The Dean/Medical Officer, Government Vellore Medical College,**

Adukkumparai, Vellore District, 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 Court, Thirupathur,** on condition that the petitioners 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 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 first petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) and the second and third petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each, directly to **"The**



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Dean/Medical Officer, Government Vellore Medical College, Adukkumparai, Vellore District" to enable the Dean to use the aforesaid amount for the purpose of treating the alcohol influenced patients.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[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 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.

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