



Crl.O.P.No.6516 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 offence punishable under Section 4(1)(aaa) & 4(1-A) of Tamil Nadu Prohibition Act, 1937 r/w. 6 & 11 of R.S.Rules 2000 (Transporting) in Crime No.36 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused were found in possession of 3,360 bottles of Spurious liquor. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and is no way connected to this case and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner is a habitual offender. Against him,



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there are two previous cases, out of which, one is registered for similar offence.

Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. In reply, the learned counsel for the petitioner would submit that the previous case under the prohibition act was registered during the year 2020 and for the past two years, the petitioner has no previous case. He would further submit that without prejudice, the petitioner is ready and willing to deposit a sum of Rs.25,000/- to any welfare scheme run by the Government.

6. Heard both sides and perused the 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 **the Dean / Medical Officer, Government Medical College and Hospital, Chengalpet**, 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) directly to **the Dean / Medical Officer, Government Medical College and Hospital, Chengalpet**,



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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-II, Tambaram**, on condition that the petitioner shall a bond for a sum of Rs.10,000/- (Rupees Ten 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., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[d] the petitioner shall not abscond either during investigation or trial.

[e] 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]**.

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

30.03.2023

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