



Crl.O.P.No.6658 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 Sections 4(1)(aaa) and 4(1-A) of TNP Act in Crime No.135 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused was found in illegal possession of 110 litres of Pondy arrack. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case, based on the confessions statement recorded from the arrested accused. Hence, he prays for grant of anticipatory bail to the petitioner.

4.Per contra, the learned Government Advocate (crl.side) would submit that the petitioner is a habitual offender against whom there are three previous cases similar in nature pending against him. As



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far as this case is concerned, the petitioner along with other accused was found in illegal possession of 110 litres of pondy arrack. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5.In reply, the learned counsel for the petitioner would submit that the petitioner was having previous case prior to the year 2018 and thereafter, the petitioner did not involve in any of the offences for the past 4 years. He would further submit that the petitioner, without prejudice, is ready and willing to deposit an amount of Rs.25,000/- as non- refundable deposit to any welfare scheme of the Government or to any shelter home and hence, he prays for grant of anticipatory bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

7. In order to curb the illegal activities of selling and manufacturing illicit arrack, this Court is of the opinion that the



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petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit to "The Dean/Medical Officer, Government District Head Quarters Hospital, Nagapattinam", without prejudice to his rights and contentions before the trial Court.

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

9. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel that the petitioner is prepared to deposit Rs.25,000/- to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is directed to **deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) by way of Demand Draft/RTGS/NEFT to the "Dean/Medical Officer, Government District Head Quarters Hospital, Nagapattinam District"**, without



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prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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, Nagapattinam, on condition that the petitioner shall execute 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 daily at 10.30 a.m., until further orders.



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

[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;

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