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Crl.O.P.No.6811 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 alleged offences punishable under Sections 4(1-A), 4(1)(a) of Tamil Nadu Prohibition Act, in Crime No.150 of 2023, seek anticipatory bail.

2. The case of the prosecution is that when the respondent and his team were on their routine patrol duty, they found that accused were in illegal possession of 10 litres of ID arrack. On seeing the police, the second and third accused were escaped from the scene of occurrence and the respondent has arrested A1 and seized the arrack from him. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are ready to



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cooperate with the respondent police for the investigation. Thereby, he prays for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) submitted that the petitioners along with another accused were in illegal possession of 10 litres of ID arrack. He further submitted that in respect of the first petitioner (A2), 4 previous cases are pending and in respect of the second petitioner (A3), one previous case is pending. However, he opposed to grant anticipatory bail to the petitioners.

5. In reply, the learned counsel for the petitioners submitted that as far as the first petitioner is concerned, he seeks permission of this Court to withdraw the petition and he has also made an endorsement to that effect and in respect of the second petitioner, he submitted that the second petitioner, without prejudice to her defense and contention, is ready and willing to deposit an amount of Rs.10,000/- to any welfare scheme run by the Government. He further submitted that the petitioner is ready to abide by any other stringent conditions that may be imposed



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by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

6. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

7. On considering the voluntary submission made by the learned counsel for the petitioners, the second petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of "The Dean/Medical Officer, Government Villupuram Medical College and Hospital, Mundiampakkam, Villupuram District", without prejudice to her rights and contentions before the trial Court.

8. Merely, because the second 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.



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9. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the fact that the second petitioner has come forward to deposit an amount of Rs.10,000/- to the credit of "The Dean/Medical Officer, Government Villupuram Medical College and Hospital, Mundiampakkam, Villupuram District", this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

10. Accordingly, in view of the submission and the endorsement made by the learned counsel for the petitioners, this Criminal Original Petition in respect of the first petitioner stands dismissed as withdrawn and in respect of the second petitioner, the Criminal Original Petition stands ordered and the second petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) directly to "The Dean/Medical Officer, Government Villupuram Medical College and Hospital, Mundiampakkam, Villupuram District"** and on such deposit and on receipt of proof of payment, the second petitioner is ordered to be released on bail in the event of arrest or



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on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.II, Ulundurpettai**, on condition that the petitioners shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 stands dismissed and on further condition that:

[a] the second petitioner shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** directly to "**The Dean/Medical Officer, Government Villupuram Medical College and Hospital, Mundiampakkam, Villupuram District**", so as to enable the Dean/Medical Officer to use the aforesaid amount for the purpose of treating the alcohol influenced patients.;

[b] the second petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] **the second petitioner shall report before**



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the respondent police everyday at 10.30a.m., until further orders;

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

[e] the second 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 second petitioner in accordance with law as if the conditions has been imposed and the second petitioner is 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]; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

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