



CrI.O.P.No.7361 of 2023

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WEB C **A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 4(1)(d) and 4(1-A)(ii) of the Tamil Nadu Prohibition Act, 1937, in Crime No.161 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on 19.03.2023 at about 10.00 hours, during regular patrol conducted by the respondent police along with their police men within the limits of police station, they found that the petitioner was in possession of 20 litres of Toddy (Panangal). Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has no previous case against him. He further submitted that the petitioner is ready and willing to furnish solvent sureties and abide by any stringent condition that may



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be imposed on him. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner was found in possession of 20 litres of Toddy (Panangal). He further submitted that there is no previous case pending as against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that without prejudice to his contention and defence, the petitioner is ready and willing to deposit an amount of Rs.5,000/- to any Welfare Scheme of the Government.

6. Heard both sides and perused the materials available on record including the FIR.



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7. Taking into consideration the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Dean/Medical Officer, Vellore Government Hospital, Vellore District, without prejudice to his rights and contentions before the trial Court. However, it is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Taking into consideration the facts and circumstances of the case, the submissions made by the counsel on both sides and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.5,000/- to **the Dean/Medical Officer, Vellore Government Hospital, Vellore District,** this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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9. Accordingly, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) directly to **the Dean/Medical Officer, Vellore Government Hospital, Vellore 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, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Arcod, Ranipet District**, 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 deposit a sum of Rs.5,000/- (Rupees Five Thousand only) directly to **the Dean/Medical Officer, Vellore Government Hospital, Vellore 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 every day at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 a.m., until further orders.**

[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]**.



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[g] If the accused thereafter absconds, a fresh

FIR can be registered under Section 229A IPC.

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