



Crl.O.P.No.7374 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)(aa) and 4(1-A) of the Tamil Nadu Prohibition Act, 1937 in Crime No.75 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused were found in possession of 60 litres of illicit liquor. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected to this case and he has been falsely implicated. He further submitted that the petitioner has no previous case against him and the petitioner is ready and willing to furnish solvent sureties and abide by any stringent condition that may be imposed on him. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner along with the other accused was found in possession of 60 litres of illicit liquor in a two wheeler bearing Registration No.PY-05-Y-7583. He further submitted that the respondent police arrayed the petitioner as A1 and the other accused as A2 in this case and both the accused are absconding. He also 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.10,000/- 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.10,000/- (Rupees Ten Thousand only) to the credit of the Dean/Medical Officer, Government Villupuram Medical College and Hospital, Mundiampakkam Village, Villupuram 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 had come forward to deposit the aforesaid amount to the Dean/Medical Officer, Government Villupuram Medical College and Hospital, Mundiampakkam Village, Villupuram 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.10,000/- (Rupees Ten Thousand only) directly to **"The Dean/Medical Officer, Government Villupuram Medical College and Hospital, Mundiampakkam Village, Villupuram 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, Vanur**, on condition that, **the petitioner 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 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.



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[b] the 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 Village, Villupuram 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 **Inspector of Police, Mundiampakkam Police Station, Villupuram District every day 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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