



Crl.O.P.No.7603 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 offences punishable under Sections 4(1)(aa), 4(1-A) of TNP Act in Crime No.43 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found in possession of 55 litres of ID arrack. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they are no way connected with the alleged offence. He would also submit that they are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners were found to be in illegal possession of 55 litres of ID arrack. He would further submit that



Crl.O.P.No.7603 of 2023

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there is no previous pending against the first petitioner and as far as the second petitioner is concerned, there are two previous cases pending against him. Hence, he vehemently opposed to grant bail to the petitioners.

5.At this juncture, the learned counsel for the petitioners would submit that the second petitioner was having previous cases in the year 2020 and thereafter, the first petitioner did not involve in any of the offences for the past 3 years. He would further submit that the first petitioner, without prejudice, is ready and willing to deposit an amount of Rs.10,000/- and the second petitioner, without prejudice, is ready and willing to deposit an amount of Rs.30,000/- as non- refundable deposit to any welfare scheme of the Government or to any shelter home. Hence, he prays for grant of anticipatory bail to the petitioners.

6.Heard the learned counsel on either side and perused the entire materials available on record.



CrI.O.P.No.7603 of 2023

WEB COPY

7. On considering the voluntary submission made by the learned counsel for the petitioners, the first petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) and the second petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of "The Dean/Medical Officer, Government Villupuram Medical College and Hospital, Mundiampakkam, Villupuram District", without prejudice to their rights and contentions before the trial Court.

8. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their 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, the submissions made by learned counsel on either side and also taking note of the fact that the petitioners have come forward to deposit some amount to the credit of "The Dean/Medical Officer, Government Villupuram Medical College and Hospital, Mundiampakkam,



CrI.O.P.No.7603 of 2023

WEB COPY

Villupuram District", this Court is inclined to grant bail to the petitioners with certain conditions.

10. Accordingly, the first petitioner is directed to **deposit a sum of Rs.10,000/- (Rupees Ten Thousand only)** and the second petitioner is directed to **deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only)** by way of Demand Draft/RTGS/NEFT to "The Dean/Medical Officer, Government Villupuram Medical College and Hospital, Mundiampakkam, Villupuram District", without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, the petitioners are ordered to be released on bail in the event of arrest or on their 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 petitioners shall execute a separate 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



Crl.O.P.No.7603 of 2023

WEB COPY

anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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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Crl.O.P.No.7603 of 2023

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

12.04.2023

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Crl.O.P.No.7603 of 2023