



Crl.O.P.No.7491 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) and 4(1-A) of the Tamil Nadu Prohibition Act, 1937 in Crime No.43 of 2023, seek anticipatory bail.

2. The case of the prosecution is that on 18.03.2023, the Sub-Inspector of Police with two other police constables were conducting vehicle search near Ranganathapuram Murugan Temple within the jurisdiction of the respondent police. On seeing the police conducting search, two persons coming in the Hero Honda Splendor Bike without the registered number plate left the Bike and two white bags on it and escaped from the place. On checking the two white bags, 55 litres of illicit liquor were found in it. Hence the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in



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this case. He further submitted that the petitioners are ready and willing to furnish solvent sureties and abide by any stringent condition that may be imposed on them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioners were in possession of 55 litres of illicit liquor in a two wheeler. He further submitted that the respondent police arrayed the petitioners as A2 and A3. He further submitted that as far as the first petitioner/A2 is concerned, he has got two previous cases similar in nature and as far as the second petitioner/A3 is concerned, he has no previous case. Therefore, he vehemently opposed to grant anticipatory bail to the petitioners.

5. In reply, the learned counsel for the petitioners submitted that the earlier case registered against the first petitioner is of the year 2020 and for the past three years, the first petitioner has no previous case



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and he is ready and willing to deposit Rs.20,000/- for any Welfare Scheme of the Government and the second petitioner is ready and willing to deposit Rs.5,000/- for any Welfare Scheme of the Government.

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

7. Taking into consideration the voluntary submission made by the learned counsel for the petitioners, the first petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) and the second petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Dean/Medical Officer, Government Villupuram Medical College and Hospital, Mundiampakkam Village, Villupuram District, without prejudice to their rights and contentions before the Trial Court. However, it is made clear that merely, because the petitioners deposit 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.



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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 petitioners 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 petitioners with certain conditions.

9. Accordingly, the first petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) and the second petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five 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 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, **each of the petitioner shall**



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execute a separate 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 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 first petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) and the second petitioner shall deposit a sum of Rs.5,000/- (Rupees Five 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 petitioners shall report before the respondent police every day at 10.30 p.m., until further orders.**



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[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 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]**.

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

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