



Crl.O.P.No.7802 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehend arrest for the alleged offences under Sections 4(1)(aaa), 4(1-A)(ii) of the of Tamil Nadu Prohibition Act in Crime No.213 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused was found in possession of 110 liters of ID arrack with an intention to sell it to the general public. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case based on the confession recorded from the arrested accused. He would further submit that the petitioner does not have any previous case under Tamilnadu Prohibition Act. He would



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4.The learned Government Advocate(Crl.Side) would submit that the petitioner along with other accused was found in possession of 110 liters of ID arrack and on seeing the respondent police, the petitioner ran away from the scene of occurrence. He would also submit that the petitioner has got one previous case against him registered under IPC during the year 2020. Hence, he opposed to grant anticipatory bail to the petitioner.

5.Merely, because the petitioner has deposited 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.

6.Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the



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fact that the petitioner has come forward to deposit an amount of Rs.10,000/- the **Dean/Medical Officer, Government Medical College and Hospital, Vaniyambadi**, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) directly to the **Dean/Medical Officer, Government Medical College and Hospital, Vaniyambadi** 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, Vaniyambadi**, 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:



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[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.10,000/- (Rupees Ten Thousand Only) directly to the **Dean/Medical Officer, Government Medical College and Hospital, Vaniyambadi** 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 daily 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



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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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