



Crl.O.P.No.8655 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)(a), 4(1-A) Tamil Nadu Prohibition Act, in Crime No.251 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 23.03.2023, the petitioner along with other accused was found in possession of 236 bottles of liquor and on seeing the respondent police, the petitioner ran away from the scene of occurrence and that the respondent police arrested the other accused namely Sankar. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution 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 is ready and willing to furnish solvent sureties and to abide by any stringent condition



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as may be imposed by this Court. He would also submit that without prejudice, the petitioner is prepared to deposit a sum of Rs.10,000/- to any welfare scheme of the Government and he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with other accused was found in possession of 236 bottles of liquor and that the accused used to purchase the liquor illegally from the TASMAC shop and sell it for higher price. He further submit that there is no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the voluntary submission made by the learned counsel for the petitioner, this Court is of the opinion that the



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petitioner shall be directed to deposit an amount of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of "The Dean/Medical Officer, Government District Head Quarters Hospital, Krishnagiri", without prejudice to his rights and contentions before the trial Court, to enable the Dean/Medical Officer to use the aforesaid amount for the purpose of treating the alcohol influenced patients.

7. Merely, because the petitioner has deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open for the trial Court to deal with the case independently.

8. Taking into consideration the facts and circumstances of the case, the submissions made on both sides and that there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) directly to "The**



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Dean/Medical Officer, Government District Head Quarters Hospital, Krishnagiri" 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 District Munsif-cum-Judicial Magistrate, Pochampalli**, 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.

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



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[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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].

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

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