



Crl.O.P.No.8814 of 2023

WEB COPY

Crl.O.P.No.8814 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest for the alleged offences under Sections 4(1)(aaa), 4(1-A) and 14A of Tamil Nadu Prohibition Act, in Crime No.231 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused was found in possession of 50 litres of I.D.Arrack and 6096 bottles of liquor. 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 based on the confession alleged to have been recorded from A1. He further submits that so far the petitioner is concerned, there is no previous case pending against him and in respect of A1 he has got four previous cases and he has been detained under Act 14. He would further submit that without prejudice, petitioner



Crl.O.P.No.8814 of 2023

prepared to deposit a sum of Rs.20,000/- to the Government for any welfare purpose and he prays 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 50 litres of I.D. Arrack and 6096 bottles of liquor. He would further submit that there is no previous case pending as against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel on either side and also perused the materials available on record.

6. Considering the facts and circumstances of the case and without prejudice, petitioner is undertaking to deposit a sum of Rs.20,000/- to the Government for any welfare purpose, this Court is inclined to grant anticipatory bail to the petitioner.



CrI.O.P.No.8814 of 2023

7. Accordingly, the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as non-refundable deposit to the **“The Dean, Government Head Quarters Hospital, Cuddalore District”**, and on such deposit, 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 No.II, Cuddalore**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000 /- (Rupees Twenty Five Thousand only) with two sureties 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 deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as non-refundable deposit to the **“The Dean, Government Head Quarters Hospital,**



CrI.O.P.No.8814 of 2023

Cuddalore District", and the acknowledgement for the same shall be produced before the learned Magistrate at time of execution of bond.

[c] the petitioner shall report before the respondent police 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]**.

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

27.04.2023

drl



WEB COPY



Crl.O.P.No.8814 of 2023

A.D.JAGADISH CHANDIRA, J.

drl

Crl.O.P.No.8814 of 2023

27.04.2023

Page 5 of 5