Crl.O.P.No.8932 of 2023

S.SOUNTHAR, J

The petitioner, who apprehends arrest for the alleged offences under Sections 4(1)(a) and 4(1-A)(II) of Tamil Nadu Prohibition Act in Crime No.185 of 2023 on the file of the respondent police, seeks anticipatory bail.

2**.** The case of the prosecution is that the petitioner was found to be in possession of 25 litres of country made liquor in lorry tube behind her house. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that without prejudice to his rights, the petitioner is prepared to deposit a sum of Rs.5,000/- 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 was found to be in possession of 25 litres of country made liquor in lorry tube behind her house. He would further submit that there is two previous cases against the petitioner. Hence, he would vehemently oppose to grant anticipatory bail to the petitioner.

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

6. In order to curb the illegal activities of smuggling, the petitioner undertakes to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non-refundable deposit to "**The District Revenue Officer, Thirupathur District"** without prejudice to his rights and contentions before the trial Court. However, it is made clear that merely, because the petitioner deposits 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.

7. Taking into consideration the facts and the submissions of both

sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, **the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) by way of Demand Draft/RTGS/NEFT as a non-refundable deposit to the credit of "District Revenue Officer, Thirupathur District"** without prejudice to his rights and contentions before the trail Court, on such deposit and production of receipt 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-I, Thirupathur** 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 every day at 10.30 a.m until further orders.

[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.

04.05.2023

Vv

S.SOUNTHAR, J.

Vv

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04.05.2023