



Crl.O.P.No.9032 of 2023

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S.SOUNTHAT, J.

The petitioner, who apprehends arrest for the alleged offences under Sections 4(1)(aaa), 4(1-A)(ii) of the Tamil Nadu Prohibition Act in Crime No.709 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 01.10.2022, the petitioner had illegally transported 311 liters of Pondicherry liquor in 1776 Quarter bottles in his vehicle Toyato Eties bearing No.PY-01-BT-7448. Hence, the complaint.

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. He would further submit that without prejudice, the petitioner is prepared to deposit Rs.10,000/- as non-refundable deposit to any welfare scheme of the Government and hence, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl.Side) would submit that the petitioner had illegally transported 311 liters of Pondicherry liquor in 1776 Quarter bottles in his vehicle. He would also submit that there is no previous case pending as against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. In reply, the learned counsel appearing for the petitioner would submit that without prejudice, the petitioner is prepared to deposit Rs.10,000/- to any welfare scheme of the Government and he prays for grant of anticipatory bail to the petitioner.

6. Merely because, the petitioner has deposited 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.

7. Having regard to the allegation made against the petitioner in the FIR, and the submissions made by the learned counsels and also taking note of the fact that the petitioner has come forward to deposit an



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amount of Rs.10,000/- to the **Dean/Medical Officer, Government Medical College and Hospital, Vaniyambadi**, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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, Cheyyur**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 report before the respondent police daily 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]*; and;

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

04.05.2023

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