



Crl.O.P.No.9204 of 2023

Crl.O.P.No.9204 of 2023

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)(aaa), 4(1)(i) r/w 24 of TNP Act in Crime No.158 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with accused were selling 898 bottles of liquor. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offence. Hence, he prays for grant of anticipatory bail to the petitioner.

4.Per contra, the learned Government Advocate (crl.side) would submit that the petitioner along with accused were selling 898 bottles of liquor. He further submitted that A1 in this case has been



Crl.O.P.No.9204 of 2023

WEB COPY

arrested and released on bail and there is no previous case pending against the petitioner. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5.In reply, the learned counsel for the petitioner would submit that the petitioner without prejudice, is ready and willing to deposit an amount of Rs.15,000/- as non- refundable deposit to any welfare scheme of the Government or to any shelter home and hence, he prays for grant of anticipatory bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

7. In order to curb the illegal activities of selling and manufacturing illicit arrack, this Court is of the opinion that the petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as non refundable deposit to "The Head Master, Government higher Secondary School(boys), Poonamallee, Thiruvallur District",



Crl.O.P.No.9204 of 2023

WEB COPY

without prejudice to his rights and contentions before the trial Court.

8. Merely, because the petitioner has deposited the said amount, it would not amount to admission of her guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel that the petitioner is prepared to deposit Rs.15,000/- to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is directed to **deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) by way of Demand Draft/RTGS/NEFT to the "The Head Master, Government higher Secondary School(boys), Poonamallee, Thiruvallur District"**, without prejudice to her rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released



Crl.O.P.No.9204 of 2023

WEB COPY

on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.2, Poonamallee**, 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:

[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;



WEB COPY



CrI.O.P.No.9204 of 2023

[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;

28.04.2023

smn



WEB COPY



Crl.O.P.No.9204 of 2023

A.D.JAGADISH CHANDIRA, J.

smn

Crl.O.P.No.9204 of 2023

28.04.2023