



Crl.O.P.No.9279 of 2023

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S.SOUNTHAR, J.,

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1) (a), 4(1-A) of the Tamil Nadu Prohibition Act, in Crime No.72 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 25.05.2022 the Sub Inspector of police attached to the respondent police station along with his police party was conducting regular patrol duty and during which, they intercepted a two wheeler driven by the petitioner. On seeing the police party, the petitioner escaped from the place leaving the two wheeler and on search of the two wheeler, the respondent police found 150 packets of liquor items from Karnataka State. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, without prejudice to his rights and contentions, the petitioner is prepared to deposit an amount of Rs.10,000/- towards any Welfare Scheme run by the Government as may be directed by this Court and he prayed for grant of anticipatory bail to the



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petitioner.

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4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted vehemently opposed to grant anticipatory bail to the petitioner stating that the petitioner was found illegally transporting 150 packets of Karnataka State liquor items.

5. In order to curb the illegal activities and taking into consideration the voluntary submission made by the petitioner offering to deposit a considerable amount to any Welfare Scheme run by the Government, this Court is of the opinion that the petitioner may be directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the District Revenue Officer, Tirupathur, without prejudice to his rights and the contentions before the trial Court.

6. Having regard to the nature of allegations made against the petitioner and also the fact that the petitioner offering to deposit a considerable amount to any Welfare Scheme run by the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner shall make a non-refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **District Revenue Officer, Tirupathur District**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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-III, Tirupathur**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten 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.



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[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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