

**Crl.O.P.No.10344 of 2023****S.SOUNTHAR, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1) aaa and 4(1-A) of Tamil Nadu Prohibition Act in Crime No.302 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the informant and his subordinate were in routine check in Sembonarkoil Police limit, near Umayalpuram Petrol Bunk, they intercepted a Maruthi 800 bearing registration Number TN07-AZ-6428 driven by the first accused by name kumar and on inspection, it was found that the accused was in possession of 150 Litres (three bags each 50 Litre) of Pondicherry Illicit arrack. Based on the confession of the arrested accused, this petitioner was implicated as A4.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false case has been foisted against him. He further submitted that the petitioner is arrayed as A4. Therefore, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner was in the possession of 150 Litres (three bags each 50 Litre) of Pondicherry Illicit arrack. He would further submit that there is four previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.



5. At this juncture, the learned counsel for the petitioner would submit that without prejudice to his contention and defence the petitioner is ready and willing to deposit an amount of Rs.10,000/- to any welfare scheme run by the Government.

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

7. Taking into consideration the facts and circumstances of the case, the submissions made on both sides and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.10,000/- to **"Dean/Medical Officer, Government Hospital, Tharangambadi"**, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) directly to **"Dean/Medical Officer, Government Hospital, Tharangambadi"** 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 District Munsif cum Judicial Magistrate Court, Tharangampadi**, 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



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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.10,000/- (Rupees Ten Thousand only) directly to **"Dean/Medical Officer, Government Hospital, Tharangambadi"** to enable the Dean to use the aforesaid amount for the purpose of treating the alcohol influenced patients.

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

[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]**.



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

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