



Crl.O.P.No.10358 of 2023

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S.SOUNTHAR, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 4(1) aaa and 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.301 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that based on the secret information received by the respondent police, they found that the petitioner was in the possession of 264 liters of illicit arrack made in Pondicherry. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person, he has been falsely implicated by the respondent police and a false case has been foisted against the petitioner. He would also submit that the petitioner is prepared to comply with any stringent condition that may be imposed on him and he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner was in the possession of 264 liters of illicit arrack made in Pondicherry. He would further submit that there are 4 previous cases 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.5,000/- to any welfare scheme run by the Government.

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

7. Taking into consideration the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to “**the District Revenue Officer, Nagapattinam District**” without prejudice to his rights and contentions before the trial Court.



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8. 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.

9. 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.

10. Accordingly, the petitioner is directed to **deposit a sum of Rs.5,000/- (Rupees Five Thousand only) by way of Demand Draft/RTGS/NEFT to the "District Revenue Officer, Nagapattinam 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 Court No.I, Mayiladuthurai**, on condition that the petitioner shall execute bond for a sum of



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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 everyday at 10.30 a.m., for a period of two weeks and thereafter, report before the respondent police 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.



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[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.

05.05.2023

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