



Crl.O.P.No.10465 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) & 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.169 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 60 liters plastic cover each bag 5 liters totally 110 liters ID arrack. 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 60 liters plastic cover each bag 5 liters totally 110 liters ID arrack. He would further submit that there is no 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.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 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.5,000/-



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to "**Dean/Medical Officer, Government Hospital, Karaikal**", without prejudice to his rights and contentions before the trial Court.

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) directly to "**Dean/Medical Officer, Government Hospital, Karaikal**", 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



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[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.

05.05.2023

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