



WEB COPY



Crl.O.P.No.12480 of 2023

**Crl.O.P.No.12480 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) a, 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.422 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of Brandy Bottles 9 Nos. each 180 ml. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this. However, on instructions he would submit that without prejudice to his rights and defence, the petitioner is ready and willing to deposit a substantial amount to any charitable organisation as may be directed by this Court and he prayed to grant anticipatory bail to the petitioner.



Crl.O.P.No.12480 of 2023

WEB COPY

4. The learned Government Advocate (Crl.side) appearing for the respondent police vehemently opposed for grant of anticipatory bail to the petitioner stating that the petitioner was found in illegal possession of Brandy Bottles 9 Nos. each 180 ml. However, he would submit that no previous case is reported against the petitioner.

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

6. Taking into consideration the above facts and circumstances of the case and the submissions of both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed make a payment of **Rs.15,000/- (Rupees Fifteen Thousand Only) by way of Demand Draft/RTGS/NEFT as a non-refundable deposit to the credit of “Dean/Medical Officer, Government Hospital, Thiruvaur”** without prejudice to his rights and contentions before the trail Court, on such



CrI.O.P.No.12480 of 2023

WEB COPY

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, Thiruthuraipoondi**, 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., for a period of two weeks and thereafter every Saturday at 10.30 a.m., until further orders.**

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



CrI.O.P.No.12480 of 2023

[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]; and;

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

**07.06.2023**

ksa-2



WEB COPY



Crl.O.P.No.12480 of 2023

**A.D.JAGADISH CHANDIRA, J.,**

ksa-2

Crl.O.P.No.12480 of 2023

07.06.2023