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Crl.O.P.No.12456 of 2023

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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)(aaa) and 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.202 of 2023, seek anticipatory bail.

2.The case of the prosecution is that on 16.05.2023, the petitioner/A2 along with his mother/A1 was found in possession of 110 liters of ID Arrack. 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 case as A2. He further submitted that A1 is none other than the mother of the petitioner and he is nothing to do with the alleged offence and that he has no previous case against him. However, on instructions he would submit that without prejudice to his rights and defence, the petitioner is ready and willing to deposit a substantial



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amount to any charitable organisation as may be directed by this Court and he prayed to grant anticipatory bail to the petitioner.

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 is the son of A1 and on the date of occurrence, the petitioner along with his mother was found in possession of 110 liters of ID Arrack. As far as A1 is concerned, she has got 9 previous cases against her. However, he would submit that there is no previous case against the petitioner under Prohibition Act.

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

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.



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7. Accordingly, the petitioner is directed make a payment of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** by way of Demand Draft/RTGS/NEFT as a non-refundable deposit to the credit of **“Government District Head Quarters Hospital, Kallakurichi”** 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 No.I, Kallakurichi**, 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 :



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[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;

[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.

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