



Crl.O.P.No.12597 of 2023

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

The petitioner, who apprehends arrest for the alleged offences under Sections 4(1)(a), 4(1)(i), 4(1-A) of TNP Act, in Crime No.119 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on receiving a secret information, the respondent along with his team went to the scene occurrence and they found that the accused were found in illegal possession of 81 bottles of brady. Hence the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner has no criminal background and he has no previous case either under IPC or under NDPS Act. Hence, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (CrI.side) appearing for the respondent Police would submit that the petitioner along with other accused were found in illegal possession of 81 bottles of brandy. He would submit that no previous case is pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. In reply, the learned counsel for the petitioner would submit that without prejudice, the petitioner is prepared to deposit an amount of Rs.25,000/- as non-refundable deposit to any welfare scheme of the Government. Hence, he prayed for grant of anticipatory bail to the petitioner.

6. Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) and perused the entire materials available on record.

7. In order to curb the illegal activities of transporting illicit arrack, this Court is of the opinion that the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit



CrI.O.P.No.12597 of 2023

to "The Dean/Medical Officer, Government Mohan Kumaramangalam Medical College Hospital, Salem", without prejudice to his rights and contentions before the trial Court.

8. 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 circumstances of the case and the submissions made by the learned counsel that the petitioner is prepared to deposit Rs.25,000/- to any welfare scheme of the Government, 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.25,000/- (Rupees Twenty Five Thousand only) by way of Demand Draft/RTGS/NEFT to the credit of "The Dean/Medical Officer, Government Mohan Kumaramangalam Medical College Hospital,**



CrI.O.P.No.12597 of 2023

Salem", 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.II, Attur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, (out of which, one should be either mother or father of the petitioner) 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., until further orders;

[c] the petitioner shall not tamper with evidence or



CrI.O.P.No.12597 of 2023

witness either during investigation or trial;

[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 absconds, a fresh FIR can be registered under Section 229A IPC;

09.06.2023

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Crl.O.P.No.12597 of 2023

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