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Crl.O.P.No.13009 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest for the alleged offences under Sections 4(1)(a) r/w 4(1-A) of TNP Act in Crime No.535 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused was found to be in possession in 25 bottles of IMFL Liquor. Hence the complaint.

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 nothing to do with the alleged offence and there is no previous case pending against him. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that the petitioner was found to be in possession in 25 bottles of IMFL Liquor. He would further submit that there

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is no previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5.At this juncture, 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 and he is prepared to abide by any stringent conditions that may be imposed by this Court and hence, he prays 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 to "The Dean/Medical Officer, Government Medical College and Hospital,

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Thiruvarur District", 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. Considering the above facts and circumstances of the case and the submissions made by the learned counsel on either side and also of the fact that there is no previous case pending against the petitioner, 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 Dean/Medical Officer, Government Medical College and Hospital, Thiruvarur 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

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on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Tiruvarur, 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., until further orders;

[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;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take

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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;

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