



Crl.O.P.No.13359 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(a), 4(1)(g), 4(1-A) of TNP Act and Section 25 of Arms Act 1959, in Crime No.70 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found in illegal possession of 15 litres of arracks, 30 litres of liquor and one country made wooden gun. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent person and they have no way connected with the alleged offence. He would also submit that without prejudice, the petitioners are prepared to deposit an amount of Rs.25,000/- each as non-refundable deposit to any welfare scheme of the Government and they are prepared to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners were found in illegal



possession of 15 litres of arracks, 30 litres of liquor and one country made wooden gun. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. 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 petitioners have come forward to deposit an amount of Rs.25,000/- each to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, directly to the **"The Dean/Medical Officer, Government Head Quarters Hospital, Dharmapuri District,** and on such deposit and on receipt of proof of payment, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial**



CrI.O.P.No.13359 of 2023

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Magistrate Court, Pennagaram, on condition that the petitioners shall execute separate bonds 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 petitioners 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 petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, directly to **"The Dean/Medical Officer, Government Head Quarters Hospital, Dharmapuri District"** to enable the Dean to use the aforesaid amount for the purpose of treating the alcohol influenced patients.

[c] **the first petitioner shall report before the respondent police daily at 10.30 a.m., until further orders and the second petitioner shall report before**



CrI.O.P.No.13359 of 2023

the respondent daily at 10.30 a.m., for a period of two weeks, thereafter as and when required for interrogation ;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

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

21.06.2023

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Crl.O.P.No.13359 of 2023

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Crl.O.P.No.13359 of 2023

21.06.2023