



Crl.O.P No.13473 of 2023

Crl.O.P.No.13473 of 2023

WEB C A.D.JAGADISH CHANDIRA.J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 4(1)(a) r/w Section 4(1-A) of TNP Act, in Crime No.456 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found in illegal possession of 10 litres of I.D Arrack. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. However, on instructions, the petitioners without prejudice to his defence, are prepared to make a considerable donation to any charitable Organization or Association. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) for the respondent would submit that the petitioners were found in illegal possession of 10 litres of I.D Arrack. He would submit that the first petitioner has got two previous cases. Hence, he opposed to grant anticipatory bail to the petitioners.



CrI.O.P No.13473 of 2023

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

6. Asfar as the first petitioner is concerned, this petition stands dismissed as he has got two previous cases. Taking into consideration that there is no previous case pending as against the second respondent and the voluntary submission made by him offering to donate/pay a considerable amount to any charitable organization or association, this Court is of the opinion that the second petitioner shall be directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non-refundable deposit through RGS/NEFT in favour of the **'The Dean/Medical Officer, Government Medical College and Hospital, Dharmapuri'**, on such payment and production of proof, he shall 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 Court, Harur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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



CrI.O.P No.13473 of 2023

stand dismissed and on further condition that:

WEB COPY

[a] the second 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 second petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[c] the second petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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 abscond, a fresh FIR can be registered under Section 229A IPC.

27.06.2023

Anu



WEB COPY



CrI.O.P No.13473 of 2023

A.D.JAGADISH CHANDIRA.J.

Anu

CrI.O.P No.13473 of 2023

27.06.2023