



Crl.OP.No.13677 of 2023

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

The petitioner, who apprehends arrest for the alleged offences under Sections 4(1)(aa) and 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.183 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent police were in regular patrol, they found that the petitioner along with other accused persons were found to be in possession of 80 litres of ID arrack. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioner is an innocent and based on the confession recorded from the arrested accused, he has been falsely implicated in this case. He would further submit that the petitioner has no previous case against him and thereby he would seek anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner along with other accused persons were found to be in possession of 80 litres of ID arrack and on seeing the police, the accused persons had run away from the scene of



occurrence. He would also submit that A1 was arrested and he is still in custody. He would admit that there is no previous case against the petitioner. However, he would vehemently oppose to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner, without prejudice to his defence and contention, is ready and willing to deposit an amount of Rs.20,000/- to any welfare scheme run by the Government. He further stated that the petitioner is also ready to abide by any other stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

6. Heard the learned Counsel for the petitioner and the learned Government Advocate (crl.side) and perused the materials available on record.

7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.20,000/- to the credit of "**The Dean, Government Mohan Kumaramangalam Medical College Hospital, Salem**", without prejudice to his rights and contentions before the trial Court, this Court is inclined to grant anticipatory bail to the petitioner.



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8. Merely, because the petitioner has deposited 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. Accordingly, the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as non-refundable deposit either through RTGS/NEFT or in cash in favour of “ **The Dean, Government Mohan Kumaramangalam Medical College Hospital, Salem**” and 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 -II, Attur, Salem* 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 every day at 10.30 a.m for a period of four weeks and thereafter on every Saturday 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 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]**.

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

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