



Crl.O.P No.14218 of 2023

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WEB C A.D.JAGADISH CHANDIRA.J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 4(1)(aaa) of the Tamil Nadu Prohibition Act, in Crime No.199 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused were found to be in illegal possession of 110 litres of I.D Arrack in a lorry. 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. However, on instructions, the petitioner without prejudice to his defence, is prepared to make a considerable donation to any charitable Organization or Association. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) for the respondent would submit that the petitioner along with other accused were found to be in illegal possession of 110 litres of I.D Arrack in a lorry. He would submit that there is



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

5. Taking into consideration of the voluntary submission made by the petitioner offering to donate/pay considerable amount to any charitable organization or association, this Court is of the opinion that the petitioner shall be directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as non-refundable deposit through RGS/NEFT in favour of the **'The Dean/Medical Officer, Government Mohan Kumaramangalam Medical College Hospital, Salem'**, 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 No.II, Attur, 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 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



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their Aadhar card or Bank pass Book to ensure their identity. .

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[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 appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioner/s 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

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