



Crl.O.P.No.18859 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner, who apprehends arrest for the alleged offences under Sections 4(1)(a) r/w 4(1-A) of Tamil Nadu Prohibition Act in Crime No.93 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 23 bottles of Monitor Brandy (each contains 180 ml), 47 bottles of block pearl, 54 bottles of express brandy. Hence, the complaint was registered.

3. The learned counsel appearing 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 without prejudice, petitioner is prepared to deposit a sum of Rs.15,000/- to the Government for any welfare purpose and he prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner was found in illegal possession of 124 bottles of brandy. He would further submit that one previous case is pending against the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6.On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of "**The Dean/Medical Officer, Rajiv Gandhi Government General Hospital, Chennai**", without prejudice to his rights and contentions before the trial Court.



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7. 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.

8. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the fact that the petitioner has have come forward to deposit an amount of Rs.15,000/- to the credit of "**The Dean/Medical Officer, Rajiv Gandhi Government General Hospital, Chennai**", this Court is inclined to grant bail to the petitioner with certain conditions.

9. Accordingly, the petitioner shall make a non refundable deposit of **Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of "The Dean/Medical Officer, Rajiv Gandhi Government General Hospital, Chennai, bearing A/c. No.10273425961, State Bank of India, Park Town (Chennai), 68, Evening Bazaar Road, Chennai, IFSC:SBIN0001856"**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the



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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 District Munsif cum Judicial Magistrate, Pennagaram**, 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 everyday 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.

31.08.2023

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