



Crl.O.P.No.20749 of 2023

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WEB C RMT.TEEKAA RAMAN, J.

The Petitioners, who apprehend arrest at the hands of the Respondent police for the offence punishable under Sections 4(1)(a) & 4(1-A)(ii) of Tamil Nadu Prohibition Act in Crime No.79 of 2022 on the file of the Respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 07.06.2022 when the Police officials on patrol duty they found the Petitioners, on seeing the Police, they flee away from the place. On search, the police officials found 50 pockets of ID arrack (each 100 ml) at the place of occurrence and seized the contraband. Hence the complaint.

3.The learned Counsel for the Petitioners would submit that the Petitioners are innocent person and they are falsely implicated in this case. Hence, the learned counsel for the Petitioners prays for grant of anticipatory bail to the Petitioner.

4.The learned Government Advocate (Crl. Side) for the Respondent would submit that the Petitioners are trying to sell 50 pockets of ID arrack, illegally and he vehemently opposed to grant anticipatory bail to the Petitioner.

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

6.Taking into consideration the facts and circumstances of the case



Cr1.O.P.No.20749 of 2023

and also the submissions made by the learned counsel on either sides and the nature and gravity of the offence, this Court is inclined to grant anticipatory bail to the Petitioners with certain conditions.

7. Accordingly, the Petitioners are directed to make a non-refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** directly to the credit of **"The Dean/Medical Officer, Government Vellore Medical College and Hospital, Vellore District"**, without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, 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 Magistrate, Thiruppathur**, on condition that the Petitioners shall execute a separate 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 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;



Crl.O.P.No.20749 of 2023

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[b] the Petitioners shall report before the Respondent Police, everyday at 10.30 a.m., for a period of three weeks and thereafter as and when required;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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Crl.O.P.No.20749 of 2023

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Crl.O.P.No.20749 of 2023

13.09.2023