



Crl.O.P.No.21368 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner/sole accused who apprehends arrest at the hands of the respondent police for the offences punishable under Section 4(1)(a), 4(1)(g), r/w.4(1-A) of TN Prohibition Act, in Crime No.712 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 1 liter of country made arrack and 200 litres of fermented wash. Hence the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offence. He would further submit that without prejudice, the petitioner is prepared to deposit an amount of Rs.5,000/- as non-refundable deposit to any welfare scheme of the Government and he is prepared to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused were found in possession of 1 liter of country made arrack and 200 litres of fermented wash. He would further submit that there is no previous pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Heard the learned counsel and perused the entire materials available on record including the First Information Report.

6.In order to curb the illegal activities of transporting illicit arrack, this Court is of the opinion that the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non refundable deposit to the credit of Dean/Medical Officer, Vellore Government Hospital, Adukambarai, by way of Demand Draft without prejudice to his rights and contentions before the trial Court.



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7. Merely, because the petitioner deposits 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 of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner has prepared to deposit Rs.5,000/- to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is directed **to deposit of Rs.5,000/- (Rupees Five Thousand only) as non refundable deposit to the credit of Dean/Medical Officer, Vellore Government Hospital, Adukambarai, by way of Demand Draft**, without prejudice to his rights and contentions before the trial Court, 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, Harur, on condition that the petitioner shall execute a bond



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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 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 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]**;



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

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