



Crl.O.P.No.21980 of 2023

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WEB C RMT.TEEKAA RAMAN, J.

The Petitioners/A2 & A3, who apprehend arrest at the hands of the Respondent police for the offence punishable under Sections 4(1)(a), 4(1)(K), 4(1-A) of TNP Act in Crime No.115 of 2023 on the file of the Respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 01.08.2023, when the Respondent Police on regular patrol duty, they saw the accused outside their house, holding a white colour plastic carry bag and on enquiry they seized 25 sealed liquor bottles and 2 more opened liquor bottles, totally 27 bottles (each 180 ml) along with 4 plastic cups and recovered a sum of Rs.250/- from the first Accused. Hence the complaint.

3.The learned Counsel for the Petitioners would submit that the Petitioners have not committed any offence as alleged by the prosecution, since A1 lodged a complaint before the Respondent police and due to which there is some quarrel between the Respondent Police and A1, for that reason the Respondent Police lodged a false case against the Petitioners. Hence, the learned counsel for the Petitioners prays for grant of anticipatory bail to the Petitioners.

4.The learned Government Advocate (Crl. Side) for the Respondent



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would submit that 27 bottles of brandy seized from the Petitioners and there is no previous case against the Petitioners and A1 already arrested and released on bail by order of this Court in Crl.OP.No.19620 of 2023 dated 28.08.2023. However, he vehemently opposed to grant anticipatory bail to the Petitioners.

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

6.Taking into consideration the facts and circumstances of the case 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.15,000/- (Rupees Fifteen Thousand only)** directly to the credit of "**The Dean/Medical Officer, Kilpauk Medical College Hospital, Chennai 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 Metropolitan Magistrate II, Egmore**, 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



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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;

[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;

[c] the Petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the Petitioners 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 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.

26.09.2023

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