



Crl.O.P.No.23354 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(aaa), 4(1-A)(ii) of TN Prohibition Act and under Section 6 & 7 of Tamil Nadu Rectified Spirit Rules,2000, in Crime No.288 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that on 15.03.2023, the petitioner was found in possession of illicit liquor. Hence the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent 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.15,000/- 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.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was found in possession of



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illicit liquor. 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. It is seen that there is no previous case against the petitioner and in order to curb the illegal activities with which the petitioner indulged, this Court is of the opinion that the petitioner shall be directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as non refundable deposit to the account of the **Dean, Government Hospital, Tiruvannamalai**, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to his rights and contentions before the trial Court.

7. It is made clear that 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 note of the facts and circumstances, this Court is



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inclined to grant anticipatory bail to the petitioner with certain conditions.

(a) The petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as non-refundable deposit either through RTGS/NEFT or in cash in favour of the **Dean, Government Hospital, Tiruvannamalai**, within two weeks from the date of receipt of a copy of this order. Thereafter, the petitioner is directed to be released on bail in the event of his arrest or his appearance on production of proof of deposit of the above amount and on further condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Ten thousand only) before the learned Judicial Magistrate No.II, Tiruvannamalai with two sureties each for the like sum to the satisfaction of the police officer who intends to arrest, failing which the petition for anticipatory bail shall stand dismissed automatically and on further condition that the petitioner shall also give a letter of undertaking before the respondent/police that the said amount has been paid in respect of particular crime number.

[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



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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 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;

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