



Crl.O.P.No.23870 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 4(1-A), 4(1) (aaa) of TamilNadu Prohibition Act in Crime No.231 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was one of the pillion rider of the offending vehicle the vehicle was intercepted and found 110liters of country liquor were kept in the white polythene bag. Hence, the complaint.

3. The learned counsel for the petitioner stated that this petitioner is only a pillion rider and he does not have any knowledge about the liquor bottles. He further states that this petitioner has been arrayed as Accused No.3 in this case. The petitioner is an innocent person and he has not committed any offence as alleged by the respondent.



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Hence, he prays for grant of anticipatory bail.

4. It is stated by the learned Government Advocate (Criminal Side) that respondent police was seized 110liters of country liquor. Accused No.1 and 2 was arrested and this petitioner was escaped from the spot. Hence, he vehemently opposed to grant of Anticipatory Bail to the petitioner.

5. Taking these facts into consideration, this Court is inclined to grant anticipatory bail to the petitioner, **subject to the payment of Rs.20,000/- (Rupees twenty thousand only) by the petitioner to the credit of the Dean, Government Medical Hospital, Nagapattinam District for the use of needy patients.**

6. Accordingly, 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 Court-II, Nagapattinam**, 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



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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 appear before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees twenty thousand only) to the credit of “The Dean, Government Medical Hospital, Nagapattinam District”.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[e] the petitioner 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 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]**.

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

18.10.2023

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C.V.KARTHIKEYAN, J.

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