



Crl.O.P.No.23818 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-A) of TamilNadu Prohibition Act in Crime No.195 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the respondent police seized 70 brandy bottles with quantity of 180ml and that was recovered from the adjacent land of the petitioner herein. Hence, the complaint.

3. The learned counsel for the petitioner stated that the respondent police did not seize anything from the land of the petitioner. The petitioner does not have any knowledge about the liquor bottles. He further states that this petitioner has arrayed as Accused in this case. The petitioner is an innocent person and he has not committed any offence as alleged by the respondent. Hence, he prays for grant of anticipatory bail.



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4. It is stated by the learned Government Advocate (Criminal Side) that respondent police seized 70 brandy bottles with quantity of 180ml and that was recovered from the adjacent land of the petitioner. There was one previous case against the petitioner. 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.10,000/- (Rupees ten thousand only) by the petitioner to the credit of the Dean, Government Medical Hospital, Erode District.**

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, Sathyamangalam**, 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 the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the



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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., for the period of two weeks and thereafter as and when required.

[c] the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees ten thousand only) to the credit of “The Dean, Government Medical Hospital, Erode District”.

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

[e] the petitioner shall not abscond either during investigation or trial.



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[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

gvn/nsl

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