



Crl.O.P.No.26328 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A11, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 4(1)(aaa) r/w 4(1-A)(ii) of Tamil Nadu Prohibition Act and Sections 6 and 7 of TN Rectified Spirit Rules, 2000, in Crime No.358 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 06.08.2021, in the midnight, the respondent had conducted inspection and while searching the accused person travelling in a Mahindra Bolero Maxi Truck Plus, tried to abscond. While searching the vehicle, 100 cans of arrack each containing 100 ml of arrack, totally 750 ml of arrack were seized . Hence the case.

3.The learned counsel for the petitioner submitted that the petitioner is innocent. He has been falsely implicated in this case. Hence, the present petition has been filed seeking anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was found in illegal possession of 17,395 ltrs of arrack. There is no previous case pending against the petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.



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5.The learned counsel for the petitioner stated that the petitioner is only a driver and therefore his case should be considered separately and independently of the other accused who had been granted bail/anticipatory bail by the Courts. The earlier anticipatory bail application in Crl.OP.No.22839 of 2023, had been dismissed on 19.10.2023. The only change in circumstance is that apart from the petitioner every other accused had been either granted earlier bail or anticipatory bail. The order copies have also been produced to that effect. Taking all the factors into consideration, anticipatory bail is granted, directing the petitioner to deposit a sum of Rs.1,00,000/- to the credit of the Dean, Government General Hospital, Vellore for treatment of needy patients and Primary Health Centres in Ranipet District.

6. Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner/A11 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, Cheyyar**, 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 petition for anticipatory bail shall stand dismissed and on further condition



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that:

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[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/A11** to appear before the **respondent everyday at 10.30 am.**, until further orders.

Additionally, the petitioner/A11, is directed to deposit a **sum sum of Rs.1,00,000/- to the credit of the Dean, Government General Hospital, Vellore for treatment of needy patients and Primary Health Centres in Ranipet District.**

[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.

20.12.2023

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