



Crl.O.P.No.27953 of 2023

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C.V.KARTHIKEYAN, J.

The Petitioner seeks anticipatory bail in Crime No.291 of 2023 registered by the respondent police for the offences under Sections 4(1)(a), 4(1)(i) read with 24 of TN Prohibition Act.

2. It is the case of the Respondent that on 09.10.2023, the Respondent had inspected the TASMAC bar at Rathnapuri in Coimbatore and found 138 Liquor bottles and a cash of Rs.4790/-.

3. The learned counsel for the Petitioner stated that the Petitioner has been arrayed as A1 in this case. The Petitioner is not the owner or licence holder of the above shop. The Accused A2, A3 and A4 had been taken into custody and had granted bail. Thus, he prays for grant of anticipatory bail to the Petitioner herein.

4. The learned Government Advocate (Criminal Side) stated that there are five previous cases as against the Petitioner herein. Hence, he oppose this petition.



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5. The learned counsel for the Petitioner also produced the copy of the licence with respect to the said bar. That is an issue, which would have to be examined during the course of trial.

6. Taking all the factors into consideration and the fact that the Accused A2, A3 and A4 had been granted bail, this Court is inclined to grant anticipatory bail to the Petitioner herein with certain conditions that **the Petitioner is directed to deposit a sum of Rs.30,000/- to the credit of the Dean, Government General Hospital, Coimbatore for treatment of needy patients.** 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 Judicial Magistrate – II, Coimbatore**, 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 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 shall deposit a sum of Rs.30,000/- to the credit of the Dean, Government General Hospital, Coimbatore for treatment of needy patients.

[c] the petitioner shall report before the Respondent Police daily at 10.30 a.m., until further orders.

[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.

[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]**.



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

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