



CrI.O.P.No.1266 of 2024

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C.V.KARTHIKEYAN, J.

The Petitioners/A1 and A2 in Crime No.144 of 2023 registered by the Respondent Police for the offences under Sections 4(1)(g), 4(1)(aa) and 4(1-A) of TN Prohibition Act, seek anticipatory bail.

2. The learned counsel for the Petitioners stated that the Petitioners are innocent persons and had not committed any offence as alleged. He also stated that they have been falsely implicated in this case. Thus, he prays for grant of anticipatory bail to the Petitioners herein.

3. The learned Government Advocate (Criminal Side) stated that on 15.04.2023 where the Respondent found two persons were selling arrack and they had ran away. Thereafter, 60 litres of illicit arrack and 600 litres of fermented wash had been recovered. He also stated that there are four previous cases against the 1st Petitioner herein. Thus, he opposed this petition.

4. Taking all the factors into consideration, this Court is inclined to



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grant anticipatory bail to the Petitioners with certain conditions that **the Petitioners are directed to jointly deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the Dean, Government General Hospital, Kallakurichi for treatment of needy patients.** Accordingly, the Petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate at Sankarapuram**, on condition that the petitioners shall execute a separate 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 :

[a] the petitioners 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 petitioners shall jointly deposit a sum of



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Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the Dean, Government General Hospital, Kallakurichi for treatment of needy patients.

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

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.



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