

CrI.O.P.No.2810 of 2024**C.V.KARTHIKEYAN,J.,**

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 4(1)(a) r/w 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.28 of 2024 on the file of the respondent police seeks anticipatory bail.

2. It is stated that the petitioners and other accused were found with illegal possession of 60 numbers of Black Pearl Brandy bottles containing 180M.L. The accused persons however ran away. Hence the case.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent submits that petitioner and other accused were found with illegal possession of 105 liters of illicit arrack. There are no previous case pending against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.



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5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners.

4. Accordingly, **petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the Dean, Government General Hospital, Dharmapuri District, failing which, the anticipatory bail shall stand dismissed**, the petitioners are 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 No.2, Dharmapuri**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties 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.



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[b]the petitioners shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each to the **Dean, Government General Hospital, Dharmapuri District** for treatment of needy patients, within a period of two weeks, failing which, the anticipatory bail shall stand dismissed;

[c] the petitioners shall report before the respondent Police, everyday 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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