



Crl.O.P.No.11209 of 2024

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K.KUMARESH BABU, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(aaa) and 4(1-A)(ii) of the Tamil Nadu Prohibition Act, 1937 in Crime No.02 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 01.01.2024, when the respondent police were in regular patrol duty near Janaki Ponnuswamy School at Sivarajpettai, the petitioners were found to be in possession of 960 packets of Bangalore Rum each weighing 180 ml and 3 litres of country Arrack. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocents person and they have has been falsely implicated in this case. However, on instructions he would submit that without prejudice to his rights and defence, the petitioners are ready and willing to deposit a substantial amount to any charitable organisation as may be directed by this Court and he prayed to grant anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.side) appearing for the respondent police vehemently opposed for grant of anticipatory bail to the petitioners stating that the petitioners were found in illegal possession of 960 packets of Bangalore Rum each weighing 180 ml and 3 litres of country Arrack.

5. Heard both sides and perused the materials available on record.

6. In order to curb the illegal activities of selling illicit arrack and the voluntary submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioners shall be directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** jointly as non refundable deposit to the credit of "**District Legal Services Authority, Thirupathur, Vellore District**, without prejudice to her rights and contentions before the trial Court.

7. Merely, because the petitioners deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.



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8. Taking into consideration the above facts and circumstances of the case and the submissions of both sides, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. Accordingly, the petitioners are directed make a payment of **Rs.25,000/- (Rupees Five Thousand Only) jointly by way of Demand Draft/RTGS/NEFT as a non-refundable deposit to the credit of "District Legal Services Authority, Thirupathur, Vellore District"** without prejudice to their rights and contentions before the trial Court and on such deposit and production of proof, 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 Court No-I, Thirupathur District**, 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 :



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[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 report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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]; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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