



Crl.O.P.No.27938 of 2024

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 4(1)(B) of Tamil Nadu Prohibition (Amendment) Act, 2024, in Crime No.176 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 26.10.2024 at about 23.30 hours, when the respondents and their officials conducted regular vehicle checkup, they intercepted a Mahindra EV while colour car bearing Regn.No.TN-50-BU-1712 and found the petitioner along with the other accused in illegal possession of 31 bottles of Pondicherry liquor. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is the acting driver of the car and he has no knowledge about the illegal transportation of liquor. He would further submit that there is no previous case against the petitioner. He would further submit that the petitioner is ready to abide by any condition that may be



imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner was found in illegal possession of 31 bottles of Pondicherry liquor in a car bearing Regn.No.TN-50-BU-1712. He would further submit that there is no previous case pending against the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.At this juncture, the learned counsel for the petitioner would submit that the petitioner, without prejudice to his defense and contention, is ready to deposit an amount of Rs.5,000/- as non-refundable deposit to any welfare scheme of the Government or to any shelter home. Hence, he prayed for grant of bail to the petitioner.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of



Rs.5,000/- (Rupees Five Thousand only) as non refundable deposit to the concerned District Legal Services Authority, without prejudice to his rights and contentions before the trial Court.

8. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. Taking into consideration the above facts and circumstances of the case, the submissions made by the learned counsel on either side and that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of the concerned **District Legal Services Authority**, without prejudice to his rights and contentions before the trial Court and on such deposit and production of proof, 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, Myladuthurai**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** 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:

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

[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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

08.11.2024

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