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CRL OP NO. 3527 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **13-02-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

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1.Mathu

2.Balu

petitioners

Vs

The State Rep by its, The Inspector of Police,
Kallakurichi PEW-Police Station, Kallakurichi
District. Crime No. 272 of 2024.

Respondent(s)

Prayer:

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner / Accused on
bail in the event of arrest in Crime No.272 of 2024 pending on the file of
the respondent police.

For petitioners:

Mr.Raji Rajkumar

For Respondent(s):

Mr.S.Balaji, Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehends arrest at the hands of the respondent
police for the offences punishable under Sections 4(1)(a), 4(1-A) and
4(1)(g) of the TN Prohibition Act, on the file of the respondent police,



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seeks anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused persons were found in illegal possession of 10 barrels of liquors each containing 200 liters and 1 lorry tube containing 25 liters of liquor. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent; that they have been falsely implicated in this case and that the co-accused were arrested and released on bail, they may be released on anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police re-iterated the prosecution case and on instructions submitted that the co-accused was arrested and released on bail and the property was also recovered from the accused.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and also perused the materials available on record.



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6. Considering the submissions made on either side and also nature of allegation, the fact that the co-accused was arrested and released on bail, property was recovered, there are no previous cases as against the petitioners and since custodial interrogation of the petitioners are not required, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

(a) Accordingly, 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 of receipt of a copy of this order, before the **Judicial Magistrate, Sankarapuram** on condition that the petitioners 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 said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioners shall report before the respondent police every day at 10:30 a.m., until further orders;

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



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[d] the petitioners shall not abscond either during investigation or trial.

SUNDER MOHAN, J.

vca

[e] 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]**;

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

vca

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To

1. The State Rep by its, The Inspector of Police,
Kallakurichi PEW-Police Station,
Kallakurichi District.
Crime No. 272 of 2024.

2. The Judicial Magistrate, Sankarapuram

3. The Public Prosecutor



High Court, Madras

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