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Crl.O.P.No.31513 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31513 of 2024

R.Senthilkumar
S/o.Ramasamy, S.Pudhupalayam,
Agraharanathamangalam, Velagoundampatti,
Namakkal District.

Petitioner(s)

Vs

State By Inspector Of Police,
Prohibition Enforcement Wing, Namakkal. Crime
No.578 Of 2024

Respondent(s)

For Petitioner(s):

N Deepanraj
K.Subburam

For Respondent(s):

Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)A & 14(A) of the Tamilnadu Prohibition (Amendment) Act, 2024 in Crime No.578 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 02.12.2024, while the



respondent police were on their routine check up duty, they found that three persons were smuggling 283 bottles of liquor from Puducherry in a TATA SUMO car bearing Registration No.PY-05-5155 and upon enquiry, it is found that the arrested persons smuggled the liquor bottles to supply the same to the petitioner herein. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and have not committed any offence as alleged by the prosecution and he has been falsely implicated in this case, based on the confession of arrested accused. He further submitted that the petitioner is ready to produce solvent sureties and to abide with any conditions that may be imposed by this Court, therefore, he prayed for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioner, stating that the petitioner along with co-accused has involved in smuggling of 283 nos. of liquor bottles from Puducherry to Thiruchengodu. He further submitted that there is no previous case as against the petitioner.



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5. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the fact that, there is no previous case as against this petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, 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 learned Judicial Magistrate No.1, Namakkal** on condition that the petitioner 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 petitioner 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



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pass Book to ensure their identity.

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[b] the petitioner shall report before the respondent police everyday 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 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 B.N.S.

18.12.2024

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To

1. State By Inspector Of Police,
Prohibition Enforcement Wing,
Namakkal.
Crime No.578 Of 2024



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A.D. JAGADISH CHANDIRA, J.

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