



Crl.O.P.No.31561 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2024

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CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31561 of 2024

P Surendar
S/O.Pichai, Fisherman Colony, Mammallapuram,
Chengalpattu District. Chengalpattu - 603002.

Petitioner(s)

Vs

The State Rep By
The State Rep by The Inspector of Police, PEW
Mamallapuram Police Station, Chengalpattu District.
Chengalpattu - 603002.

Respondent(s)

For Petitioner(s):

prakash adiapadam
M Kannan
P Sobia
M Meganathan

For Respondent(s):

Public Prosecutor

ORDER

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Section 4(1)(B) and 5A of TNP (Amendment) Act, 2024 in Crime No.749 of 2024, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that on 05.11.2024, while the respondent police on inspection visited a restaurant namely Masala Cafe located in Mamallapuram Fisherman's area and found 19 spurious liquor bottles each containing 650 ml and 7 bottles each containing 180 ml, were kept for sales illegally without license. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the liquor bottles were kept only for the use of the restaurant staff and not for the purpose of sale. He also 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 is running a restaurant in the name of Masala Cafe, where he kept the liquor bottles for sales without any valid license. He would further submit that the petitioner has no previous case.



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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 Judicial Magistrate Court at Thirukazhukundram** 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 pass Book to ensure their identity.

[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

stn



Crl.O.P.No.31561 of 2027

To

1. The State Rep By
The State Rep by
The Inspector of Police,
PEW Mamallapuram Police Station,
Chengalpattu District.
Chengalpattu - 603002.



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A.D. JAGADISH CHANDIRA, J.

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