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Crl.O.P.No. 31628 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 31628 of 2024

R.Selva Kumar

....Petitioner/A4

Versus

The State,
Represented by
The Inspector of Police
Eravanchery Police Station
Thiruvarur District
[Crime No. 178 of 2024]

..Respondent

Prayer: Criminal Original Petition filed under Section 482 of BNSS, 2023
praying to enlarge the petitioner on bail in the event of his arrest pending
investigation in Crime No. 178 of 2024 on the file of the Respondent Police.

For Petitioner : Mr.Subramanian R.
For Respondent : Mr.S.Santhosh
Govt. Advocate [Crl. Side]



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Apprehending arrest in connection with Crime No.178 of 2024

registered for the offences punishable under Sections 4(1)(C), and 4(1-A)

(ii) of the Tamil Nadu Prohibition (Amendment) Act, 2024, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that the petitioner along with others were found in possession of 21 bottles of 750 ml Pondy Geos Premier Leaguexo total quantity of 15 litre and 750 m.litre worth about Rs.12,096/- and 144 bottles of 500 ml Godfather Tinbeer total quantity of 72 litres worth about Rs.13,536/- illegally. Hence the complaint.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the petitioner is ready to abide by any stringent condition that may be imposed by this court.



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4. The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner along with others were found in possession of 21 bottles of 750 ml Geos Premier Leaguexo total quantity of 15 litre and 750 m.litre worth about Rs.12,096/- and 144 bottles of 500 ml Godfather Tinbeer total quantity of 72 litres worth about Rs.13,536/- illegally. He further submits that no previous cases are pending against the petitioner.

5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly, he 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 of receipt of a copy of this order before the learned **Judicial Magistrate, Kudavasal**, 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



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the respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] 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;

[c] the petitioner shall report before the learned Judicial Magistrate, Kudavasal, everyday at 10.30 a.m until further orders;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;



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[f] 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];

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

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A.D.JAGADISH CHANDIRA, J.

MSM

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