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Crl.O.P.No.31861 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31861 of 2024

RAMESH

Son Of Subramaniyan, No.3, North Street,
Manampettai, Vizhithiyur, Karaikal District.

Petitioner(s)

Vs

The State Rep. By, The Inspector Of Police,
Eravanchery Police Station, Tiruvarur District.
Cr.No.178 Of 2024strict

Respondent(s)

For Petitioner(s):

M Mohamed Azharudeen
J.Mohammed Royaz

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)(C), 4(1-A)(ii) of the Tamil Nadu Prohibition (Amendment) Act, 2024 in Crime No.178 of 2024, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that, the defacto complainant one K. Ramamoorthy, Sub-Inspector of Police, Eravanchery Police station lodged a complaint stating that, on 11.12.2024, while he is in regular duty along with other police officials at Eravanchery bazaar, found the accused person were in possession of 21 bottles of Pondy liquors banned by the Tamil Nadu Government and 144 nos. of beer and Tin beer, without valid permission in a Tata Indica car bearing Registration No.TN-33-AK-5600. On enquiry, it is found that the petitioner herein of 1 petitioner herein had instigated the accused persons to illegally transport the liquor and beer bottles. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that petitioner is innocent and has not committed any offence. He would further submit that the petitioner is the registered owner of the said Tata Indica car and he has been falsely implicated in this case, based on the confession of the co-accused. He would further submit that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting of anticipatory bail to the petitioner,



stating that the accused persons were involved in illegal transportation of 21 bottles of Pondy liquors banned by the Tamil Nadu Government and 144 nos. of beer and Tin beer, without valid permission in the petitioner's car, based on the instigation of this petitioner. He further submitted that the petitioner herein is arrayed as A3 and he has no previous case.

5. Heard the learned counsel for the petitioner and 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 considering the fact that the petitioner has no previous case, 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 District Munsif cum Judicial Magistrate, Kodavasal** 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



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be registered under Section 269 of B.N.S.

20.12.2024

stn

To

1. The State Rep. By, The Inspector Of Police,
Eravanchery Police Station, Tiruvarur District.
Cr.No.178 Of 2024strict

A.D. JAGADISH CHANDIRA, J.

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