



Crl. O.P.No. 31715 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 31715 of 2024

1.Sellappan
2.Kannan
3.Nadarajan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Bhavani Police Station
Erode District,
Crime No. 728 of 2024.

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioners on
anticipatory bail in the event of their arrest in Crime No. 728 of 2024 on the
file of the respondent.



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For Petitioners : Mr.Camyles Gandhi W.
For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

Apprehending arrest in connection with in Crime No.728 of 2024 registered for the offences punishable under Sections 4(1) (aaa), 4(1)(i) r/w Section 4 (1-A) TNP Act, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that the petitioners were found in possession of 721 liquor bottles illegally. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that no previous case against them and without prejudice to their contentions, the petitioners are prepared to deposit a sum of Rs.10,000/- towards any charitable organization or association.



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Therefore, he prays for grant of anticipatory bail to the petitioners.

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4.The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that the petitioners were found in possession of 721 liquor bottles illegally. He would further submit that the petitioners have no previous case pending against them. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case and the sand involved is small quantity and that there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners. However, taking into consideration the voluntary submission made by the petitioners offering to deposit a considerable amount to any charitable organization or association, this Court is of the



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opinion that as one of the conditions for grant of anticipatory bail, the petitioners may be directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of District Legal Services Authority, Erode District**, without prejudice to their rights and contentions before the trial Court.

7.It is made clear that merely because the petitioners are depositing the amount, it would not amount to the petitioners admitting their guilt in the criminal case and such amounts are being paid without prejudice to the right of the petitioners.

8.Accordingly, the petitioners shall make a non refundable deposit of **Rs.10,000/- (Rupees Ten Thousand Only)** by way of Demand Draft/RTGS/NEFT to the credit of the **District Legal Services Authority, Erode District**, and on such deposit and on receipt of proof of payment, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate-I, Bhavani**,



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on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties** 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 conditions that:

[a] the petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

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

[d] the petitioners 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



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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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

19.12.2024

MSM

- 1.The Inspector of Police,
Bhavani Police Station
Erode District, Crime No. 728 of 2024.
- 2.The Public Prosecutor, High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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