



CRL OP(MD). No.23002 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/12/2024

PRESENT

The HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No.23002 of 2024

K.Balamurugan

... Petitioner/ Accused No.3

Vs

State of Tamil nadu rep. by
The Inspector of Police,
Prohibition Enforcement Wing,
Madurai City,
Madurai.

(Crime No.899/2024)

... Respondent/ Complainant

For Petitioner : Mr.V.Karuna
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.899 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused No.3, who apprehends arrest at the hands of the



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respondent for the offences punishable under Section 4(1)(A), 4(1)(C) & 14(A) of the Tamil Nadu Prohibition(Amendment), Act 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 22.12.2024, when the respondent police is in surveillance regarding the prohibition of illicit liquor and alcohol. At that time, they found the accused Nos.1 & 2, having illegal possession of 6 bottles of 750 ML liquor and 3 bottles of liquor along with cash of Rs.14,000/- and the same was kept and the accused Nos.1 and 2 were arrested on the spot. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he is no way connected in this case and only based on the confession of A1, this petitioner has been implicated in this case. He has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl. Side) fairly submits that on 22.12.2024, when the respondent police is in surveillance regarding the prohibition of illicit liquor and alcohol. At that time, they found the accused Nos.1 & 2, having illegal possession of 6 bottles of 750 ML liquor and 3 bottles of liquor along with



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cash of Rs.14,000/- and the same was kept and the accused Nos.1 and 2 were arrested on the spot and the petitioner is having one previous case and at the time of police visit, he found in a possession of liquor. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side and the nature of offences charged against the petitioner, co-accused have been arrested and released on bail and only based on the confession statement of co-accused, this petitioner has been implicated in this case, and no previous case is pending against the petitioner, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on anticipatory bail on condition to 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 Judicial Magistrate No.II, Madurai, and on further conditions that:

[b] the petitioner shall report before the respondent Police every Saturday at 10.00 a.m. for a period of four weeks, and thereafter as and when required for the interrogation.

[c] the petitioner shall not commit any offences of similar nature.



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[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial 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 B.N.S.

sd/-
27/12/2024

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/01/2025

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RJR

TO

1 THE JUDICIAL MAGISTRATE NO.II
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.



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3 THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
MADURAI CITY, MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.23002 of 2024
Date :27/12/2024

SS/SKN/SAR- /02/01/2025/ 5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023