



WEB COPY



Crl.O.P.No.1635 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.01.2025

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.1635 of 2025

Manoharlal Jain

.... Petitioner

Vs

The State represented by its,
The Inspector of Police,
Thalavadi Police Station,
Erode District.
(Crime No.5 of 2025)

.... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioner on bail in the event of his arrest in Crime No. 5 of 2025 on the file of the respondent police.

For Petitioner	:	Mr.M.Dinesh
For Respondent	:	Mr.S.Santhosh Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No. 5 of 2025 registered for the offences punishable under Sections 4(1)(C), 4(1-A) (i) of TN Prohibition (Amendment) Act, 2024, the present petition has been filed seeking anticipatory bail.



2. According to the prosecution, based on the information, the respondent police conducted an inspection and found that the petitioner was in illegal possession of 1.90 liters of alcohol, including 22 packets of original choice brandy, each containing 375 ml, five plastic bottles of original choice brandy, each containing 375 ml. 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 no way connected to the allegations as alleged by the prosecution. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

4. The case of the prosecution as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the petitioner was found to be in illegal possession of 22 packets of original choice brandy, each containing 375 ml and five plastic bottles of original choice brandy, each containing 375 ml. He further submitted that the petitioner has no previous cases pending against him.



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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 petitioner 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, Sathyamangalam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 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 shall report before the respondent Police on everyday at 06.30 p.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;



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A.D.JAGADISH CHANDIRA,J.

[e] 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];

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

24.01.2025

Index : Yes/No
Internet : Yes/No
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To

1.The Inspector of Police,
Thalavadi Police Station,
Erode District.

2.The Public Prosecutor,
High Court, Madras.

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