



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-01-2025

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THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO.1846 of 2025

Thaiyalnayagi

Petitioner(s)

Vs

The State of Tamilnadu,
Represented by the Inspector of Police,
Cuddalore OT Police Station,
Cuddalore District.
(Crime No.19 of 2025)

Respondent(s)

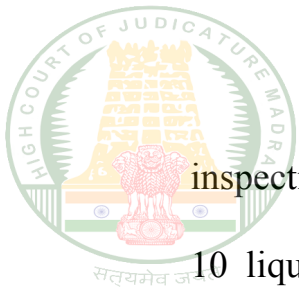
For Petitioner(s): Mr.S.Sivakumar

For Respondent(s): Mr.S.Santhosh, Government Advocate,(Crl.side)

ORDER

Apprehending arrest in connection with Crime No.19 of 2025 registered for the offences punishable under Sections 4(1)(c) and 4(1)(A) of TNP Act, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that on 12.01.2025, based on secret information regarding the illegal sale of brandy bottles from Pondicherry to Cuddalore, the respondent Police conducted an inspection. During the



inspection, the petitioner along with one person, was found in possession of 10 liquor bottles of the SUPER SELECT brand, each containing 90ml.

Hence, this case.

3. Learned counsel for the petitioner submits that the petitioner is an innocent person who has been falsely implicated in this case. Further, he submits that the accused/A2 is the main accused. However, the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Therefore, the learned counsel for the petitioner prays to grant to anticipatory bail to the petitioner.

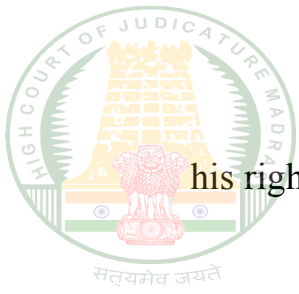
4. Learned Government Advocate (Crl.side) appearing for the respondent Police submits that the petitioner was found in illegal possession of 10 liquor bottles of the SUPER SELECT brand, each containing 90ml. Further, he submits that the petitioner is the accused/A1 and his sister is the accused/A2. He also submits that the petitioner has one previous case of the year 2024. The investigation is ongoing and the properties has not been recovered. Therefore, the learned Government Advocate vehemently opposes the grant of anticipatory bail to the petitioner.



5. In reply, the learned counsel for the petitioner submitted that the petitioner is ready to co-operate with the enquiry. He further submitted that, without prejudice to his contentions, the petitioner is willing to deposit a non-refundable amount of Rs.10,000/- to any charitable organization or association. Therefore, he prays for the grant of anticipatory bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) for the respondent and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case and also considering the fact that there is one previous case of the year 2024, this Court is inclined to grant anticipatory bail to the petitioner. However, taking into consideration the voluntary submission made by the petitioner offering to deposit a considerable amount to any charitable organization or association, this Court is of the opinion that as one of the conditions for grant of anticipatory bail, the petitioner may be directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of District Legal Services Authority, Cuddalore District, without prejudice to

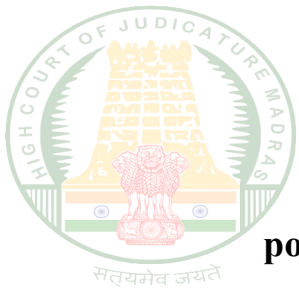


his rights and contentions before the trial Court.

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8. It is made clear that merely because the petitioner is depositing the amount, it would not amount to the petitioner admitting his guilt in the criminal case and such amount is being paid without prejudice to the right of the petitioner.

9. Accordingly, the petitioner 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, Cuddalore District**, and on such deposit and on receipt of proof of payment, 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 Judicial Magistrate No.2, Cuddalore District*, on condition that the petitioner 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:



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[a] the petitioner shall report before the respondent police daily at 10:30 A.M., until further orders;

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

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

[d] 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 was 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];**

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

28-01-2025

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To

1. The Inspector of Police,
Cuddalore OT Police Station, Cuddalore District.
2. The Judicial Magistrate No.2, Cuddalore.
3. The Public Prosecutor, High Court, Madras.



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A.D. JAGADISH CHANDIRA, J.

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