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CRL OP No. 4931 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 4931 of 2025

Gubendiran

S/o. Piththan, Kannoor Village,
Kalvarayanmalai Taluk, Kallakuruchi
District.

Petitioner(s)

Vs

The State Rep.By,
The Inspector of Police,
Kariyalur Police Station Kallakuruchi
District. (Crime No. 02 of 2025)

Respondent(s)

CRL OP No. 4931 of 2025

PRAYER

To enlarge the Petitioner on anticipatory bail in the event of his arrest by the respondent police concerned in Crime No. 02 of 2025, on the file of the Respondent Police.

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For Petitioner(s): Mr. Maha Vishnu T

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



ORDER

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The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(C), 4(1-A)(ii) of Tamil Nadu Prohibition Act, in Crime No. 02 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. This is the second anticipatory bail petition.

3. The case of the prosecution is that, the petitioner along with other accused found illegal possession of 10 litres of ID arrack and 300 litres of Fermented Wash. Hence the case.

4. Learned counsel appearing for the petitioner submitted that the allegations are false; and that in any case, custodial interrogation is not required and sought for anticipatory bail for the petitioner.

5. Learned Government Advocate (Crl. Side) appearing for the



respondent police, while opposing the grant of anticipatory bail to the petitioner,

reiterated the prosecution case and on instructions submitted that the petitioner

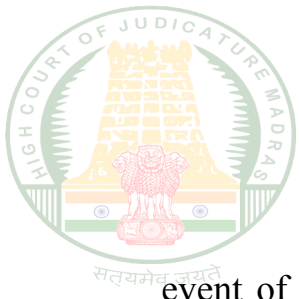
has no bad antecedents. He further submitted that co-accused / A2 was arrested

and released on bail. He further submitted that the contraband was seized from

co-accused /A2.

6. It is reported by the learned Government Advocate that the petitioner has no bad antecedents but inadvertently it was stated that the petitioner has previous cases, when this Court had considered the earlier anticipatory bail petition.

7. Considering the nature of the allegations, the fact that the petitioner has no bad antecedents, the fact that the contraband was seized from co-accused and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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8. 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 Judicial Magistrate Court, Sankarapuram**, on condition that the petitioner shall execute 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 as and when required for interrogation.

[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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[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 B.N.S.

17-03-2025

AT

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. The State Rep. By, The Inspector Of
Police,
Kariyalur Police Station Kallakuruchi
District. (Crime No. 02 of 2025)



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SUNDER MOHAN J.

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