



Crl.OP.No.2676 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 12.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2676 of 2025

Vijay

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
Thirupathur PEW Police Station,
Thirupathur District.
(Crime No.639 of 2024)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event
of his arrest in Crime No.639 of 2024 on the file of the respondent Police.

For Petitioner : M/s.A.Bharani Chandar

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Section 4(1)(C), 4(1)(A) of the
Tamil Nadu Prohibition Act, 2024 in Crime No.639 of 2024, seeks



anticipatory bail.

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2. The case of the prosecution is that the petitioner was found in possession of 18 packets, each containing 180 ml of Carnival XXX Rum.

3. The 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 to the petitioner.

4. The 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 submitted that this is the 2nd anticipatory bail application of the petitioner and the 1st anticipatory bail application was dismissed as withdrawn on 09.01.2025. He further submitted that there are 2 previous cases against the petitioner, which are of a similar nature.

5. Though the earlier anticipatory bail application was dismissed

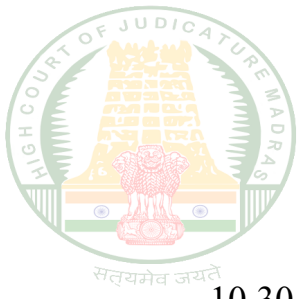


as withdrawn on 09.01.2025, the petitioner has not been arrested so far.

Considering the aforesaid facts, the nature of allegations, the contraband has been seized and the petitioner is on bail in the other cases, this Court is of the view that custodial interrogation of the petitioner is not required for the purpose of investigation and is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 is made ready, before the **Judicial Magistrate-II, Thirupathur**, 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 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.



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[b] the petitioner shall appear before the respondent police daily at 10.30 a.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.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate 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 absconds, a fresh FIR can be registered under Section 269 BNS.

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Index : Yes / No
Internet : Yes / No
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To



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1. The Inspector of Police,
Thirupathur PEW Police Station,
Thirupathur District.

2. The Judicial Magistrate-II,
Thirupathur.

3. The Public Prosecutor,
Madras High Court,
Chennai.

SUNDER MOHAN, J.

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