



Crl.O.P.No.2424 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2424 of 2025

A.Rauthar Nainar Muhammed

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
PEW Anna Nagar Police Station,
Chennai.

(Crime No.4 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with the Crime No.4 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Mukesh Kannah

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 21.01.2025, seeking bail in Crime No.4 of 2025 registered for the offence under Section 4(1)(A) and 7 of the Tamil Nadu Prohibition Act r/w Section 318, 336(3), 340(2) of BNS.



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2. The case of the prosecution is that the respondent had arrested the accused while they were transporting liquor bottles in their vehicles and from the custody of the accused, more than 400 liquor bottles were seized. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that no recovery was made from the petitioner, however, he is in custody from 21.01.2025 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that the accused were found to be in possession of more than 400 liquor bottles without any license and against the petitioner herein, there is no previous case.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Considering the nature of allegation and that there is no previous case against the petitioner, this Court is of the opinion that the further custody of the petitioner is not required for the purpose of investigation. Therefore, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **V Metropolitan Magistrate, Egmore, Chennai**, and on further conditions that:

[a] 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, everyday at 10.30 a.m., until further orders;

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

[d] the petitioner shall not tamper with evidence or witness 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 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]***;

SUNDER MOHAN., J.



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[f] If the accused thereafter absconds, a fresh FIR can
be registered under Section 269 B.N.S.

31.01.2025

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To

1. The V Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
PEW Anna Nagar Police Station,
Chennai.
3. The Superintendent,
Central Prison - II, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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