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Crl OP No.2691 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04-02-2025**

CORAM

**THE HONOURABLE MR JUSTICE SUNDER MOHAN**

**CRL OP NO. 2691 of 2025**

Surya

W/O. PANNERSELVAM, Mariyamman Kovil  
Street, Pavalam Village, Sankarapuram,  
Kallakurichi District

Petitioner(s)

Vs

State Rep By  
Inspector Of Police, Sankarapuram Police  
Station, Kallakurichi District. Cr.No.35 Of  
2025.

Respondent(s)

**For Petitioner(s):** Mr.S.Parameswaran

**For Respondent(s):**

Mr.S.Balaji,  
Government Advocate (Crl.Side)

**ORDER**

The Petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(a) of TNP Act r/w 4(1)(C) of TNP Amendments Act, 2024, 4(1)(i) TNP Act r/w 4(1)(A) of TNP Amendments Act, 2024 in Crime No.35 of 2025 on the file of the respondent police, seeks anticipatory bail.



*Crl OP No.2691 of 2025*

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2.The case of the prosecution is that the petitioner along with other accused was found to be in illegal possession of 8 bottles of brandy, each containing 180 ml. Hence the case.

3.The learned counsel for the petitioner would submit that the petitioner, aged about 32 years, is an innocent person and he has been falsely implicated in this case. He further submits that based on the confession of the arrested accused, this petitioner was arrayed as an accused, and the custodial interrogation is not required in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner along with other accused was found to be in illegal possession of 8 bottles of brandy, each containing 180 ml and the contraband was seized from the petitioner; and against the petitioner, there is no previous case. Hence, he opposed for the grant of anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned



Crl OP No.2691 of 2025

Government Advocate (Crl.side) for the respondent and perused the materials available on record.

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6.Considering the nature of allegations; that the petitioner has no previous cases; that the petitioner is sought to be implicated on the confession of the co-accused, and that custodial interrogation of the petitioner is not required for the investigation, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) 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 of receipt of a copy of this order, before the **Judicial Magistrate, Sankarapuram**, on condition that the petitioner shall execute a 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 said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

**[b]** the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.



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Crl OP No.2691 of 2025

**SUNDER MOHAN, J.**

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[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 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.

**04-02-2025**

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To  
1. State Rep By  
Inspector Of Police,  
Sankarapuram Police Station,  
Kallakurichi District.  
Cr.No.35 Of 2025.