



Crl.OP.No.2551 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.2551 of 2025

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... Petitioner /Accused

Vs.

The State,
Inspector of Police,
Pernampet Police Station,
Vellore District.
Crime No.508 of 2024

... Respondent/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.508 of 2024 pending investigation on the file of the respondent police.

For petitioner : Mr.T.Dhasarathan

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



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(A) and 4(1)(C) of the Tamil Nadu Prohibition (Amendment) Act, 2024, r/w 262 of BNS Act, 2023, in Crime No.508 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found to be in illegal possession of 9 brandy packets in his two-wheeler bearing Registration No.TN-23-AQ-8116. 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 would further submit that the petitioner is a law abiding citizen and ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of anticipatory bail to the petitioner, submitted that the petitioner was found to be allegedly involved in possession of 9 packets of brandy. He would further submit that eight previous cases of a similar nature are pending against the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.10,000/- as non-refundable deposit to any welfare scheme of the Government or any other organization. Hence, he prayed for 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. Considering the voluntary submission made by the learned counsel



for the petitioner, the petitioner is directed to to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit to “District Legal Services Authority, Vellore”, without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

8. Considering the nature of allegation; there are eight previous cases pending against the petitioner; the petitioner is willing to deposit an amount of Rs.10,000/- as non-refundable deposit to any welfare scheme; and that custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. Accordingly, the petitioner is directed to make a non-refundable deposit of Rs.10,000/- directly to the credit of “District Legal Services Authority, Vellore”, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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 copy of this order, before the learned Judicial Magistrate Gudiyatham, Vellore District, on condition that the petitioner shall execute a bond for 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, on further condition 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



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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*** reported in [(2005)AIR SCW 5560];

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

03.02.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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To

1. Inspector of Police,
Pernampet Police Station,
Vellore District.
2. The Public Prosecutor,
Madras High Court,
Chennai.



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3. Learned Judicial Magistrate Gudiyatham,
Vellore District.

SUNDER MOHAN, J.

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