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Crl.O.P.No.2848 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 2848 of 2025

Kumar

Petitioner(s)

Vs

The State rep by,
The Inspector of Police,
Prohibition Enforcement Wing, Polur,
Tiruvannamalai District.
(Crime No. 446 of 2024)

Respondent(s)

For Petitioner(s): M/s. Thulasi R.

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)(C) and 4(1-A)(ii) of Tamil Nadu Prohibition (Amendment) Act, 2024 in Crime No.446 of 2024, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that, while the respondent police were on their routine patrol duty, they found that the accused person were in possession of 3 barrels each containing 200 liters of Fermented wash; that on seeing the police, the accused had fled away from the spot; that upon enquiry, it is found that the petitioner had involved in the aforesaid offence. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case; that the petitioner had never committed any offence as alleged by the prosecution; and that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and prayed for anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for the grant of anticipatory bail to the petitioner, stating that the petitioner had involved in illegal possession of 600 liters of fermented wash; that the petitioner has no previous cases and that the investigation is pending.



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

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsels on either side, the fact that the petitioner has no previous cases and since, custodial interrogation is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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, Polur** on condition that the petitioner shall execute a separate 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 everyday 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 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.



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To

1. The Inspector of Police,
Prohibition Enforcement Wing, Polur,
Tiruvannamalai District.

SUNDER MOHAN, J.

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