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Crl OP No.4689 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.4689 of 2025

Srivalli

... Petitioner

Versus

The State rep by
The Inspector of Police,
Villupuram West Police Station,
Villupuram District.
Crime No.445 of 2024

... Respondent

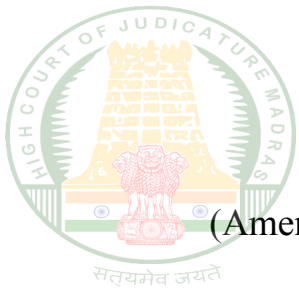
Prayer: Criminal Original Petition filed under Section 482 of BNSS Act, to enlarge the petitioner on bail in the event of arrest in connection with Cr.No.445 of 2024 pending investigation on the file of the respondent police.

For petitioner : Mr.D.Balaji

For Respondent : 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), 4(1)(i) of TN Prohibition Act r/w 4(1)(C), 4(1)(A), 14(A) of TNP



(Amendment) Act in Crime No.445 of 2024, seeks anticipatory bail.

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2. The case of the prosecution is that when the respondent police had conducted a regular check up at Government Hospital, Villupuram near Murugan Temple ; they found that the accused persons/A1 and A2 was found to be in illegal possession of 180ml Blue Grape Brandy Bottle-6 bottles and 90 ml Blue Grape Brandy Bottle-56 bottles. .

3. Learned counsel appearing for the petitioner would submit that the allegations are false and in any case, the custodial interrogation of the petitioner is not required. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police reiterated the prosecution case and on instructions submitted that the accused persons A1 and A2 had gone to the Pondicherry, purchased the prohibited brandy bottles and gave it to A3/the petitioner herein for selling; that the co-accused/A1 was arrested and released on bail; that there are 29 previous cases against the petitioner, out of which, four cases are pending and that he is on bail in those cases; and that the contraband was seized.

5. Considering the nature of allegations, the fact that contraband was seized; the petitioner is on bail in the pending four cases, and that



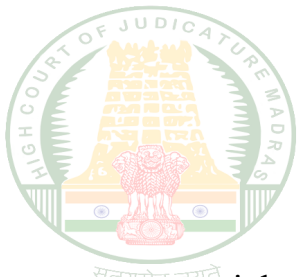
the co-accused was enlarged on bail, this court is of the view that the custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, 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 learned ***Judicial Magistrate-I, Villupuram District*** 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 conditions that:

[a] the petitioners 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 daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[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 is 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.

21.02.2025

Vv

To

1. The Judicial Magistrate-I,
Villupuram District.
2. The Inspector of Police,
Villupuram West Police Station,
Villupuram District.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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SUNDER MOHAN, J.

Vv

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