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CRL O.P. No.3198 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.3198 of 2025

Elumalai S/o. Mani

... Petitioner / Accused

Vs

State rep. by:-

The Inspector Of Police,
Kalasapakkam Police Station,
Tiruvannamalai District.
[Cr. No.36 of 2025]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in Crime No.36 of 2025 on the file of the respondent police.

For Petitioner : Mr. E. Sathiyaraj Elangovan

For Respondent : Mr. S. Balaji,
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused, who apprehends arrest in the hands of



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the respondent police for the offences punishable under Sections 4(1)(d) and 4(1)(C) of Tamil Nadu Prohibition (Amendment) Act in connection with the case in Crime No.36 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that on 30.01.2025 at about 20.30 a.m., the accused was found in possession of 4 litres of Toddy in two wheeler bearing Registration No.TN32-K-2176.

3. Learned counsel for the petitioner would contend that the petitioner is an innocent; that he has been falsely implicated in this case; and that in any case, custodial interrogation of the petitioner is not required and hence prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side), on instructions, would submit that during the vehicle check up, the petitioner was found in possession of Toddy; that materials were seized and that there is one previous case pending against the petitioner.

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



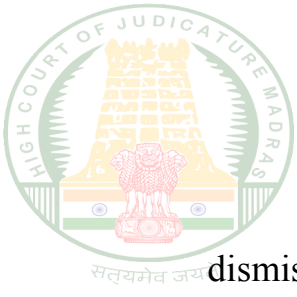
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Government Advocate (Crl.Side) for the respondent police and perused the materials available on record.

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6. Considering the nature of allegations, that there is one previous case against the petitioner and the petitioner was granted bail in that case and since the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on 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 of receipt of a copy of this order, before the learned **Judicial Magistrate, Kalasapakkam, Tiruvannamalai District** 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand



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dismissed and on further conditions that:

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[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.

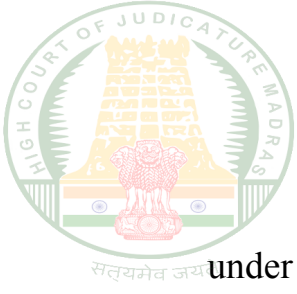
[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[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 abscond, a fresh FIR can be registered



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under Section 269 B.N.S.

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To

- 1.The Judicial Magistrate, Kalasapakkam, Tiruvannamalai District.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector Of Police, Kalasapakkam Police Station, Tiruvannamalai District.

SUNDER MOHAN. J.,

mjs



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