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CRL OP NO. 6012 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.03.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 6012 of 2025

Subash

Petitioner/A2

Vs

The State Rep By
The Inspector of Police
Mailam Police Station,
Villupuram District.
(Crime No.1005 of 2024)

Respondent

Prayer:

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner/Accused on
anticipatory bail in the event of arrest in Crime No. 1005 of 2024 pending
on the file of the respondent police.

For Petitioner	:	Mr.Silambu Selvan S
For Respondent	:	Mr.S.Santhosh, 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)(c), 4(1)(A)
and 14(A) of the Tamil Nadu Prohibition (Amendment) Act, 2024 in
Crime No.1005 of 2024, on the file of the respondent police, seeks
anticipatory bail.

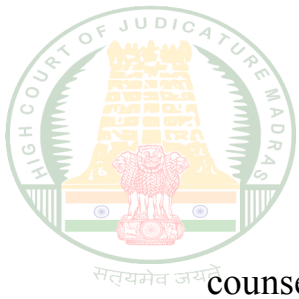


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2. The case of the prosecution is that the co-accused was found in possession of 50 numbers of ID arrack each containing 100ml packets and the petitioner was implicated on the confession of the co-accused.

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 has no bad antecedents; without prejudice to his contention, is prepared to deposit an amount of Rs.5,000/- towards any charitable organization or association and prayed for anticipatory bail for the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that the petitioner has two previous cases, similar in nature which was registered in the year 2021 and 2025; that the petitioner's first anticipatory bail application was dismissed as withdrawn *vide* order dated 08.01.2025.

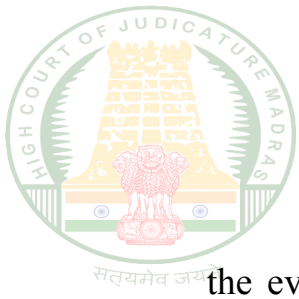


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5. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees five Thousand only)** to the credit of '**District Legal Services Authority, Villupuram District**' without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

6. 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.

7. Though, the earlier petition was dismissed as withdrawn on 08.01.2025, the respondents had not arrested the petitioner. Hence, taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, the fact that the contraband were seized, the petitioner is on bail in the other cases, the petitioner has been implicated on the confession of the co-accused and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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8. 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 – II, Villupuram** 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:

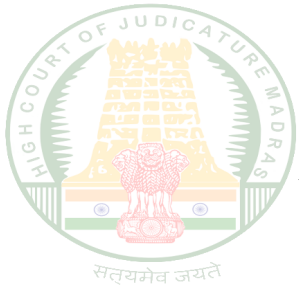
[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[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



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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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SUNDER MOHAN,J.

vca

To

- 1.The Inspector of Police
Mailam Police Station,
Villupuram District.
(Crime No.1005 of 2024)
- 2.The Judicial Magistrate – II, Villupuram.
- 3.The Public Prosecutor,
High Court Madras.

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