



WEB COPY



CRL OP NO. 3695 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: **13-02-2025**
CORAM
THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3695 of 2025

Prabhu

Petitioner

Vs

The State Rep by its, The Inspector of Police,
Perambur Police Station, Mayiladuthurai District

Cr.No.36 of 2025

Respondent

Prayer:

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner / Accused on
anticipatory in the event of arrest in Crime No.36 of 2025 pending on the
file of the respondent police.

For petitioner:

Mr.P.Krishna Moorthy

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 Section 4(1)(B) of the Tamil Nadu
Prohibition (Amendment Act 2024) on the file of the respondent police,
seeks anticipatory bail.

2. The case of the prosecution is that petitioner(A2) along with the other



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accused person was found in possession of 55 litres of arrack illegally.

Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case and that as the co-accused was arrested and released on bail, he may be released on anticipatory bail.

4. The learned Government Advocate (Crl.Side) reiterated the prosecution case and on instructions submitted that contraband was seized and there are 6 previous cases as against the petitioner and hence, opposed for grant of anticipatory bail.

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

6. Considering the submissions made by either side, nature of allegations, the fact that the co-accused was arrested and released on bail, contraband was recovered, the petitioner was arrested and released on bail in the



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previous cases and since custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) 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 **District Munsif cum Judicial Magistrate, Tharangambadi** on condition that the petitioners 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 said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioner shall report before the respondent police every day 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

SUNDER MOHAN,J.

vca



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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 BNS.

vca

13-02-2025

To
1 The Inspector of Police,
The Inspector of Police,
Perambur Police Station, Mayiladuthurai District
2. District Munsif cum Judicial Magistrate,
Tharangambadi
3.The Public Prosecutor
High Court, Madras

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