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Crl.O.P.No.3834 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3834 of 2025

1. Dinesh
2. Rajendran
3. Ramesh

Petitioner(s)

Vs

The State Rep by, The Inspector of Police,
PEW-Namakkal Police Station, Namakkal
District. Cr.No.22 of 2025.

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on
anticipatory bail in the event of their arrest by the respondent police
concerned in Crime No.22 of 2025, on the file of the respondent police.

For Petitioner(s): Mr. M Mohamed Azharudeen

For Respondent(s): Mr. S. Balaji, Government Advocate (Crl. Side)



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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(A) and 14(A) of The Tamil Nadu Prohibition (Amendment) Act, 2024 in Crime No.22 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, while the respondent police were on their routine patrol duty, they found that the accused persons were involved in illegal transportation of banned liquors and beer bottles in their two wheelers; that upon investigation, the accused person confessed that the petitioners herein also involved in the aforesaid offence. Hence, this case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case, based on the confession of the co-accused; that the petitioners had never committed any offence as alleged by the prosecution; and that the petitioners are 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 petitioners.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instructions submitted that the second petitioner herein/ Rajendran, who has been arrayed as A6 was already arrested; that the first petitioner/A5 has three previous cases, the third petitioner/ A7 has no previous cases; and that the investigation is pending and hence opposed for the grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners 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, considering the nature of allegation against the petitioners, submissions made by the learned counsels on either side, the fact that the second petitioner/ Rajendran was already secured, **the petition against the second petitioner is dismissed as infructuous**, the fact that the third petitioner has no previous cases, the first petitioner is on bail in other cases, they are



implicated only based on the confession of the co-accused and since custodial interrogation is not required, **this Court is inclined to grant anticipatory bail to the first and third petitioners** with certain conditions.

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7. Accordingly, the first and third petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned District Munsif cum Judicial Magistrate Court, Sendamangalam** 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 first and third 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 first and third petitioners shall report before the respondent police everyday at 10:30 a.m., until further orders.



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[c] the first and third petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the first and third petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 under Section 269 of B.N.S.

17.02.2025

stn

SUNDER MOHAN, J.

stn

To



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1. The State Rep by, The Inspector of Police,
PEW-Namakkal Police Station,
Namakkal District.
Cr.No.22 of 2025.

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