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Crl.O.P.No.4051 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **18-02-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.4051 of 2025

Thangaraj,
S/o. Kuppan,
Kattukottai Edapattu Village,
Kalvarayanmalai Taluk,
Kallkuruchi District.

Petitioner(s)

Vs

The State Rep.by,
Inspector of Police,
Kallakurichi PEW Police Station,
Kallakurichi District. (Crime No.306 of 2024)

Respondent(s)

For Petitioner(s): Mr. T. Maha Vishnu

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 Sections 4(1)(c) and 4(1-A)(ii) of the Tamil Nadu Prohibition Act, in Crime No.306 of 2024, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that, acting on a tip regarding the illegal sale of ID Arrack, the respondent Police conducted a search at Edapattu Village. During the search, they found that the petitioner was found in possession of 3 liters of ID Arrack. Upon seeing the respondent Police, the petitioner ran away from the spot. After completion of the enquiry, it was determined that the petitioner was involved in the aforementioned offence. Hence, this case.

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 had never committed any offence as alleged by the prosecution; and that the petitioner is 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 petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for the grant of anticipatory bail to the petitioner, stating that the petitioner was involved in illegal possession of 3 liters of ID Arrack. Further, he submitted that the petitioner has no previous cases



pending against him and the investigation is ongoing.

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5. 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.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsels on either side, the fact that the petitioner has no previous cases and since custodial interrogation is not required, this Court is inclined to grant anticipatory bail to the petitioner with 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 on which the order copy made ready, before **the learned Judicial Magistrate, Sankarapuram**, 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



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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 the investigation or during the trial;

[d] the petitioner shall not abscond either during the investigation or during the 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 was 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.



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To

1.The State Rep.by,
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Kallakurichi District. (Crime No.306 of 2024)

SUNDER MOHAN, J.

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