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CrI OP No.4719 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.4719 of 2025

Elangomani @ Elango Mannan

... Petitioner

Versus

State rep by
The Inspector of Police,
Attur Rural Police Station,
Salem District.
(Cr.No.43 of 2025)

... Respondent

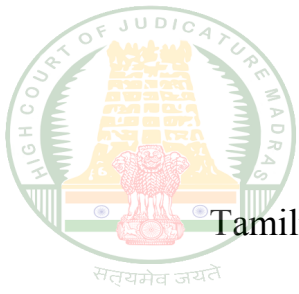
Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in connection with Cr.No.43 of 2025 on the file of the respondent police.

For petitioner : Mr.S.Satheeshkumar

For Respondent : Mr.S.Balaji
Government Advocate (CrI.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(c) of



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Tamilnadu Prohibition(Amendment) Act 2024, Section 4(1-A)

Tamilnadu Prohibition Act and Section 353(1)(b) of BNS 2023 in Crime

No.43 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the accused was found in illegal possession of 3 litres of ID arrack. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case and that in any case custodial interrogation of the petitioner is not required for the purpose of investigation and hence, he prayed for grant of anticipatory bail.

4. The learned Government Advocate (CrI.Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that A1 was arrested and still in custody there is no previous case as against the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.side) for the respondent and also perused the



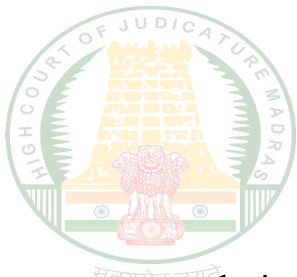
materials available on record.

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6. Considering the submissions made on either side; nature of allegation; that the contraband was seized; that there is no previous case as against the petitioner and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 is made ready, before the ***Judicial Magistrate No.I, Attur***, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 conditions that:

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



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[b] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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 is 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]**;

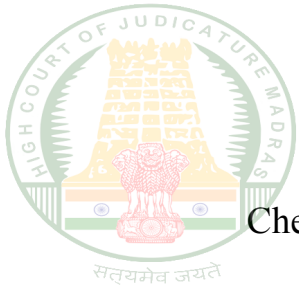
[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

21.02.2025

Vv

To

1. The Judicial Magistrate No.I, Attur
2. The Inspector of Police,
Attur Rural Police Station,
Salem District.
3. The Public Prosecutor,
High Court of Madras,



Chennai.

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SUNDER MOHAN, J.

Vv

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