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Crl.O.P.No.4197 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **18-02-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.4197 of 2025

Tamilalagan,
S/o. Krishnamoorthy,
No.6 Krish Prasana Apartment,
Vadivel Street, Pammal, Chennai – 75.

Petitioner(s)

Vs

The Inspector of Police,
T-17 Perumbakkam Police Station,
Tambaram Commissionerate, Chennai. (Crime No.32 of 2025)

Respondent(s)

For Petitioner(s): Mr. J. Thomas Saran Singh

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)(B) of the Tamil Nadu Prohibition (Amendment) Act r/w Section 24 of the Tamil Nadu Prohibition Act, in Crime No.32 of 2025, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that, acting on secret information, the respondent Police conducted a surprise inspection at the TASMAC shop situated in Perumbakkam. They found the petitioner, along with another individual, operating the shop beyond the permitted hours and selling Black Pearl Brandy 180 ml bottles, totalling 24.120 liters. 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. Further, he submitted that the petitioner is a owner of the TASMAC Bar, and he was implicated as accused/A1, solely based on the confession statement of the co-accused/A2. He also submitted 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 found in possession of 134 Black Pearl Brandy bottles, each containing 180 ml, totalling 24.120 liters, for sale beyond the permitted hours. Although the petitioner has no previous cases pending against him, the investigation is ongoing, and the contraband has been seized. He also submitted that the petitioner is arrayed as A1, merely based on the confession statement of the co-accused arrayed as A2, who was arrested and later released on bail.

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 including the First Information Report.

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 No.2, Alandur, 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 daily 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



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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.

18-02-2025

klr

To

1.The Inspector of Police,
T-17 Perumbakkam Police Station,
Tambaram Commissionerate, Chennai. (Crime No.32 of 2025)



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SUNDER MOHAN, J.

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