



WEB COPY

Crl.O.P.No.4258 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 4258 of 2025

Kuppan
S/o. Muthu, 93, Masque, 4th Street, Kailasagiri
Village, Omerabad, Ambur Taluk, Tirupathur
District.

Petitioner(s)

Vs

State rep by The Inspector of Police
Omerabad Police Station, Omerabad,
Thirupathur District. (Crime No.804 of 2024)

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on
anticipatory bail in the event of his arrest by the respondent police
concerned in Crime No.804 of 2024, on the file of the respondent police.

For Petitioner(s) : Mr. Vinodh Kumar

For Respondent(s) : Mr. Leonard Arul Joseph Selvam,
Government Advocate (Crl. Side)



ORDER

WEB COPY

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 Tamil Nadu Prohibition (Amendment) Act in Crime No.804 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, while the respondent police were on their routine patrol duty, they found that the petitioner was in possession of 35 liquor bottles each containing 180 ml; and that on seeing the police, the petitioner fled away from the spot. Hence, this case.

3. Learned counsel appearing for the petitioners 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; that the petitioner, without prejudice to his contention, is willing to deposit an amount of Rs.10,000/- each towards any charitable organization or association; 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.

WEB COPY

4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that the petitioner has 28 previous cases; and that the investigation is pending, hence opposed for grant of anticipatory bail to the petitioner.

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 into consideration the facts and circumstances of the case, considering the nature of offence, the fact that the petitioner in on bail in all the other cases, the fact that the contraband was seized 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 and also taking into consideration, the voluntary submission made by the petitioner offering to deposit a considerable amount to any



Crl.O.P.No.4258 of 2023

WEB COPY

charitable organization or association, this Court is of the opinion that as one of the condition for grant of anticipatory bail, the petitioner may be directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of District Legal Services Authority, Tirupathur District, without prejudice to his rights and contentions before the Trial Court.

7. It is made clear that merely because the petitioner is depositing the amount, it would not amount to the petitioner admitting his guilt in the criminal case and such amount is being paid without prejudice to the right of the petitioner.

8. Accordingly, the petitioner shall make a non refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **District Legal Services Authority, Tirupathur District**, and on such deposit and on receipt of proof of payment, 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, Ambur* on condition that the petitioner 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions 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 learned Judicial Magistrate, Vaniyambadi on all working days 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 and the petitioner released on



WEB COPY



Crl.O.P.No.4258 of 2025

SUNDER MOHAN, J.

stn

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 B.N.S.

25.02.2025

stn

To

1. State rep by The Inspector of Police
Omerabad Police Station,
Omerabad, Thirupathur District.
(Crime No.804 of 2024)

Crl.O.P. No.4258 of 2025