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CRL OP NO. 4317 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 4317 of 2025

Elumalai
S/O Kathavaraya, Marilamrnan Kovil Street.
Karailarnpalalam. Karay Eduthanur. Villupuranr
- 6058

Petitioner(s)

Vs

The State Rep By Its,inspector Of Police
Pagandai Koothisalai Police Station,
Kallakurichi District Crime No 17/2025

Respondent(s)

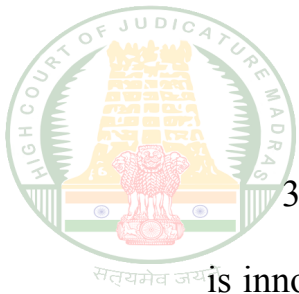
For petitioner (s): Mr.Ramesh Mohan

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 Section 4(1)(A) of the TNP (Amendment) Act, 2024 and 4(1)(i) of the TNP Act in Crime No.17/20215, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was in illegal possession of 15 bottles of express brandy 180ml each. Hence, the complaint.



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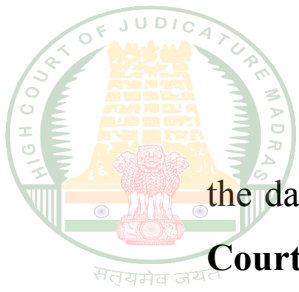
3. The learned counsel for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case and in any case custodial interrogation of the petitioner is not required for investigation and hence, he prayed for grant of anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that the contraband was recovered and that there is no previous case as against the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and also perused the materials available on record.

6. Considering the submissions made on either side; nature of allegation; that there is no previous case as against the petitioner; 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 subject to the following conditions:

(a) 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 of receipt of a copy of this order, before the **Judicial Magistrate Court, Sankarapuram** 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 said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[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 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 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]**;

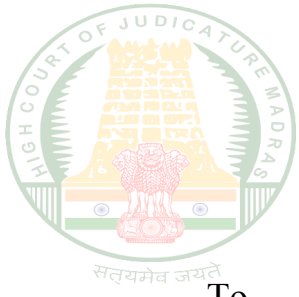
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

19.02.2025

vca

SUNDER MOHAN, J.

vca



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To
1. The State Rep By Its,inspector Of Police
Pagandai Koothisalai Police Station,
Kallakurichi District
Crime No 17/2025

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