



WEB COPY

Crl.O.P.No.5114 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.5114 of 2025

Thirupathi

Petitioner(s)

Vs

State rep by,
The Inspector of Police,
PEW Polur Police Station,
Tiruvannamalai District.
(Crime No. 338 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.338 of 2024, on the file of the respondent police.

For Petitioner(s) : M/s. S. Nishanthi

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)(g), 4(1)(a) r/w 4(1-A)(ii) of Tamil Nadu Prohibition Act in Crime No.338 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 conducting inspection near Periya Kizhpattu, Jamunamarathur, they found that the petitioner was in illegal possession of 20 liters of arrack and 1000 liters of fermented wash; that on seeing the police, the petitioner fled away from the spot. 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, based on the confession of the co-accused; 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.

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 one previous case of similar nature; 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 note of the facts and circumstances of the case, considering the nature of allegation against the petitioner, submissions made by the learned counsels on either side, the contraband was seized, the fact that the petitioner is on bail in the other case 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 with certain conditions.



WEB COPY

Crl.O.P.No.5114 of 2023



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, Polur** 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 everyday at 10:30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



WEB COPY

Crl.O.P.No.5114 of 2025



[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 B.N.S.

26.02.2025

stn

To

The Inspector of Police,
PEW Polur Police Station,
Tiruvannamalai District.
(Crime No. 338 of 2024).



WEB COPY



Crl.O.P.No.5114 of 2025

SUNDER MOHAN, J.

stn

Crl.O.P. No.5114 of 2025

26.02.2025