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Crl OP No.5410 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5410 of 2025

Mathan @ Mathan Mohan

... Petitioner

Versus

The State rep by
The Inspector of Police,
Palaiyur Police Station,
Mayiladuthurai District.
(Cr.No.9 of 2025)

Prayer: Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioner on bail in the event of his arrest in connection with Cr.No.09 of 2025 on the file of the respondent police.

For petitioner : Ms.S.Divya

For Respondent : Mr.Leonard Arul Joseph Selvam
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 Tamil Nadu Prohibition Act in Crime No.09 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the co-accused/A1 and A3



had illegally transported 100 bottles of 180ml Shield Pondy Arrack and the petitioner was implicated on the confession of the co-accused.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case; without prejudice to his contention, is prepared to deposit an amount of Rs.5,000/- towards any charitable organization or association and prayed for anticipatory bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and on instructions submitted that that there are eight previous cases against the petitioner, out of which, five cases are similar in nature and he is on bail in those cases.

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 voluntary submission made by the learned counsel for the petitioner and the nature of allegation; the fact that the no contraband was seized from the petitioner and that he is on bail in the pending cases 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:

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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-II, Mayiladuthurai** 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 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 is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non-refundable deposit either through RTGS/NEFT or in cash in favour of “ **The Taluk Legal Service Authority attached to the Concerned Court**” within a period of fifteen (15) days from the date of receipt of a copy of this order and shall produce the said receipt before the Court below without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

[d] the petitioner shall not tamper with evidence or witness either



during investigation or trial;

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

[f] 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]**;

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

27.02.2025

Vv

To

1. The Judicial Magistrate-II,
Mayiladuthurai.
2. The Inspector of Police,
Palaiyur Police Station,
Mayiladuthurai District.
3. The Public Prosecutor,
High Court of Madras,
Chennai.

SUNDER MOHAN, J.

Vv



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