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CRL OP NO. 5795 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03.03.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 5795 of 2025

Kayathiri @ Gayathri

Petitioner/A3

Vs

State Rep By,
The Inspector Of Police
Villupuram West Police Station,
Villupuram District.
(Cr.No 43 of 2025)

Respondent(s)

Prayer:

Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner / Accused on anticipatory bail in the event of arrest in Crime No. 43 of 2025 pending on the file of the respondent police.

For Petitioner(s): Mr.Saravanabhavan G

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)(a) and 4(1)(i) of the Tamil Nadu Prohibition Act, r/w 4(1)(C), 4(1)(A) and 14(A) of TNP Act in Crime No. 43 of 2025, on the file of the respondent



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police, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner along with the other accused were found in illegal possession of 170 bottles of blue grape containing 90ml each. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case; that the petitioner was implicated based on the confession statement of the co-accused; that the seizure was not made for the petitioner and in any case custodial interrogation of the petitioner is not required for the purpose of investigation and hence, he prayed for anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that there are 6 previous cases 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.



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6. Considering the submissions made on either side; nature of allegation; that the petitioner was implicated based on the confession of the co-accused; that the seizure was not made from the petitioner; that the petitioner is on bail in other 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:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his/her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate Court -I, Villupuram** on condition that the petitioners 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:



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[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 deposit an amount of Rs.10,000/- to the District Legal Services Authority, Chennai and shall report before the respondent police every day 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**



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[(2005)AIR SCW 5560];

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

03.03.2025

vca

To

1.The Inspector Of Police
Villupuram West Police Station,
Villupuram District.
(Cr.No 43 of 2025)

2.The Judicial Magistrate Court -I, Villupuram

3.The Public Prosecutor,
High Court Madras.



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SUNDER MOHAN, J.

vca

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