



WEB COPY

CRL OP No. 8280 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 8280 of 2025

Madhankumar
Son of Selvaraj,
Door No.3/985-M4, Kooturavu Nagar
Anna Nagar, Kadachanallur Post,
Kadachanallur, Namakkal District - 638
008.

Petitioner(s)

Vs

State rep. by the
The Inspector Of Police,
Prohibition Enforcement Wing,
P.N.Palayam Police Station,
Coimbatore District. Crime No.2033 Of
2023

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to grant an Anticipatory Bail to this Petitioner in the event of his arrest or on his appearance before any court in connection with the case in Crime No.2033 of 2023 pending investigation on



the file of the Respondent police herein and thus render justice.

For Petitioner(s): Mr.M.Guruprasad

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)(aaa), 4(1-A), 4(1)(b), 4(1)(g), 4(1)(h) of Tamil Prohibition Act, Under Section 7 of Tamil Nadu Rectified Sprit Rules 2000 and Under Section 420, 467, 468, 471 of Indian Penal Code in Crime No.2033 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, the petitioner along with other accused person were found in possession of fake liquor bottles. Hence the complaint.

3. This is the second anticipatory bail petition before this Court. The earlier anticipatory bail petition in Crl.O.P.No.13792 of 2024 was dismissed 04.07.2024 by Hon'ble Mrs. Justice T.V.Thamilselvi, for the reason that the investigation was not yet completed on 04.07.2024. This anticipatory bail petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P. No.31787/2024 on 04.03.2025.



WEB COPY

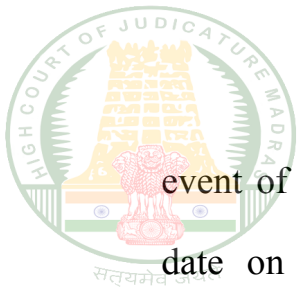
4. The learned counsel for the petitioner submits that the allegations are false; that the petitioner is sought to be implicated based on the confession of the co-accused and prayed for anticipatory bail to the petitioner.

5. Learned Government Advocate (Crl. Side) appearing for the respondent police confirms the fact that the petitioner has been implicated in this case, based on confession of the other co-accused and no contraband were seized from the petitioner. Hence, he opposes the grant of anticipatory bail.

6. 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.

7. Considering the fact that the petitioner is sought to be implicated based on confession of co-accused persons; that the fact that no contraband were seized from the petitioner; that though the earlier petition in Crl.O.P.No.13792 of 2024 filed by the petitioner was dismissed on 04.07.2024, the respondent police has not arrested the petitioner so far and since custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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, Mettupalayam, 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.

[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.

27-03-2025

jd



CRL OP No. 8280 of 2025



To
WEB COPY

The State Rep By
The Inspector Of Police, Prohibition
Enforcement Wing, P.N.Palayam Police
Station, Coimbatore District. Crime
No.2033 Of 2023



WEB COPY

CRL OP No. 8280 of 2025



SUNDER MOHAN J.

jd

**CRL OP No. 8280 of
2025**

27-03-2025