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Crl.O.P.No.8724 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.8724 of 2025

Kasiraja
S/o. Kasinathan

....Petitioner/Accused 3

Vs

The State Rep. by
The Inspector of Police,
Peralam Police Station,
Tiruvarur District
(Cr. No.46 of 2025)

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police in Crime No.46 of 2025 on the file of the respondent police.

For Petitioner	: Mr. M. Mohamed Azharudeen
For Respondent	: Mr. S.Balaji Government Advocate (Crl. Side)



ORDER

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2. The case of the prosecution is that on 24.01.2025, the second accused along with the other accused persons was found illegally transporting liquors, namely, Blue Grey 624 bottles and Directors Club 144 bottles, which were banned by the Government of Tamil Nadu, and were arrested. The second accused had confessed the involvement of the petitioner in the said offence.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and is not involved in the said offence; that the petitioner is implicated in the case only on the confession of the other co-accused; and that the petitioner is ready to provide sufficient and solvent sureties and to abide by any conditions that may be imposed by this Court, and prayed for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that the petitioner is implicated on the confession of the co-accused; that the first and second accused were arrested and released on bail and the fourth and fifth accused were granted anticipatory bail and that there are previous cases against the petitioner and he is on bail on those cases, and strongly opposed to grant of anticipatory bail to the petitioner.

5. Considering, the fact that the petitioner is implicated on the confession of the co-accused; that no contraband was seized from him; that the co-accused have been granted bail by this Court; and that the petitioner is on bail on 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 with certain conditions.

6. 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**



District Munsif and Judicial Magistrate, Nannilam, 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 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 daily 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



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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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

25.03.2025

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To

1. The District Munsif and Judicial Magistrate, Nannilam
2. The Inspector of Police,
Peralam Police Station,
Tiruvarur District
3. The Public Prosecutor,
High Court, Madras.

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SUNDER MOHAN, J.

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