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CRL OP NO.8762 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.8762 of 2025

Murugesan

...Petitioner/Accused

Vs

State Rep By,
The Inspector of Police
PEW Kallakurichi & District.
(Cr.No 19 of 2025)

...Respondent/Complainant

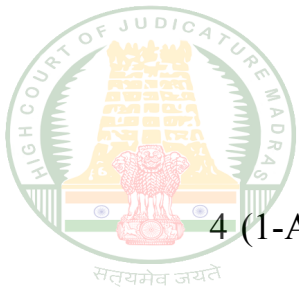
Prayer: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the
event of his arrest in Crime No.19 of 2025 on the file of the Inspector of
Police, PEW, Kallakurichi & District.

For petitioner : Mr.P.Praveen

For Respondent : 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)(C) &



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4 (1-A) (ii) of the T.N.P Act in Crime No.19 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 75 liters of fermented mixture. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case; that the contraband was seized from the co-accused; that the petitioner was sought to be implicated on the confession of the co-accused; that the petitioner has no bad antecedents and hence sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that the petitioner has no bad antecedents and that the contraband was seized from the co-accused.



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5. Taking note of the facts and circumstances of the case, the nature of allegations, submissions made by the learned counsels on either side, no contraband was seized from the petitioner, the petitioner was implicated based on the confession of the co-accused, the petitioner has no bad antecedents 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 is made ready, before the learned **Judicial Magistrate Sankarapuram, Kallakurichi District**, 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



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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 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.

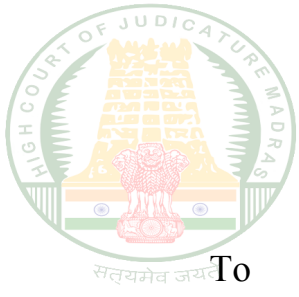
[d]the petitioner shall not abscond either during investigation or trial.

[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 [(2005)AIR SCW 5560].

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

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To
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1. The Judicial Magistrate Sankarapuram,
Kallakurichi District.
2. The Inspector Of Police,
PEW Kallakurichi & District.
3. The Public Prosecutor,
High Court Madras.



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SUNDER MOHAN,J.

dk

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