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Crl.OP.No.10190 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.10190 of 2025

M.Soundararajan allies Sownthar ... Petitioner(s)

Vs.

State rep. by
The Stations House Officer,
Kottakuppam PEW Police Station,
Villupuram District. ... Respondent(s)
Crime No.1429 of 2024

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of arrest in Crime No.1429 of 2024 on the file of the respondent police.

For petitioner(s) : Mr.Sarathkumar
For Respondent(s) : Mr.S.Balaji,
Government Advocate (Crl.Side)

ORDER

This is the second anticipatory bail application filed by the petitioner



before this Court.

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2. The earlier bail application filed by the petitioner was dismissed as withdrawn before this Court on 15.11.2024.

3. The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(a), 4(1)(c) of TNP Act and Section 4(1)(A) and 14A of the Amendment Act in Crime No.1429 of 2024, seeks anticipatory bail.

4. The case of the prosecution is that the petitioner, along with the other accused, were found in possession of 49 packets (160 ml each) of liquor from Pondicherry. Hence, the case.

3. Learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case; and that the co-accused has already been arrested and released on bail and sought for anticipatory bail to the petitioner.

4. 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 on instructions submitted that there are five previous cases against the petitioner and he is on bail in those cases.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner, without prejudice to his defence and contention, is ready and willing to deposit an amount of Rs.5,000/- as non-refundable deposit to any welfare scheme of the Government or any other organization. Hence, he prayed for grant of anticipatory bail to the petitioner.

6. Though the earlier anticipatory bail application was dismissed by this Court in Crl.O.P.No.27146 of 2024 on 15.11.2024, the petitioner has not been arrested so far; that the co-accused has already been arrested and released on bail, 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

7. Accordingly, considering the voluntary submission made, the



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petitioner is directed to make a non-refundable deposit of **Rs.5,000/- [Rupees Five Thousand Only]** directly to the credit of “**District Legal Services Authority, Villupuram District**”, without prejudice to the right of the defence before the Trial Court, on such deposit and production of proof, 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, Vanur**, 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 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 abscond either during investigation or trial;



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[d] the petitioner shall not tamper with evidence or witness 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 B.N.S.

17.04.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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SUNDER MOHAN, J.

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To

1. The Stations House Officer,
Kottakuppam PEW Police Station,
Villupuram District.
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. Judicial Magistrate, Vanur

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