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CrI.O.P.No.9384 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 9384 of 2025

1.Ganesh @ Boottu Ganesh
2.Sathish @ Pzahani

Petitioner(s)

Vs

The State Represented by,
Inspector of Police,
PEW Tindivanam,
Villupuram District.
(Crime No.41 of 2025)

Respondent(s)

For Petitioner(s) : Mr.D.Balaji

For Respondent(s) : Mr.S.Balaji,
Government Advocate (Criminal Side)

PRAYER To enlarge the petitioners on anticipatory bail in the event of his arrest by the respondent in Crime No.41 of 2025 on the file of the Respondent.

ORDER

The petitioners, who apprehend arrest at the hands of the respondent for the offences punishable under Sections 4(1)(C), 4(1)(aaa) of TNP Act r/w 4(1)(A), 14(A) of TNP Act, in Crime No.41 of 2025, on the file of the respondent Police, seeks anticipatory bail.



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2. The case of the prosecution is that on secret information, the respondent police went to the scene of occurrence on 20.03.2025 and found that the petitioners along with other two accused were found to be in illegal possession of 96 bottles (each 750 ml) of Pondicherry brandy bottles and 216 (each 330 ml) beer bottles.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent; that they have been falsely implicated in this case based on the confession statement recorded from the co-accused and prayed for anticipatory bail for the petitioners.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and on instructions submitted that the bottles were seized and that six previous cases are pending against the first petitioners/A2 and he was on bail in those cases; and that the second petitioner/A3 has no bad antecedents.

5. At this juncture, the learned counsel for the petitioner submitted that the first petitioner, without prejudice to his defense and contention, is ready and



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willing to deposit an amount of Rs.10,000/- 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 first petitioner.

5. Heard the learned counsel for the petitioners, the learned Government Advocate (Criminal Side) appearing for the respondent police and perused the materials available on record.

6. Considering the nature of allegations; the fact that the first petitioner/A2 is on bail in the previous cases; the first petitioner/A2 is willing to deposit an amount of Rs.10,000/- as non-refundable deposit to any welfare scheme; and the second petitioner/A3 has no bad antecedents, and since custodial interrogation of the petitioners are not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the first petitioner/A2 is directed to make a non-refundable deposit of **Rs.10,000/- [Rupees Ten Thousand Only]** directly to the credit of “**District Legal Services Authority, Villupuram**”, without prejudice to his rights and contentions before the trial Court, on such deposit and production of



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proof, the first petitioner/A2 and the second petitioner/A3 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of copy of this order, before the **learned Judicial Magistrate No.2, Tindivanam, Villupuram District** on condition that the petitioners shall execute a separate bond for 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, on further condition that:

[a] the petitioners 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 petitioners shall report before the respondent Police daily at 10.30 a.m, until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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



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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.

drl

04-04-2025

To

1. The Inspector of Police,
PEW Tindivanam,
Villupuram District.

2. The Judicial Magistrate No.II,
Tindivanam, Villupuram District.



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SUNDER MOHAN J.

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