



Crl O.P.No.9578 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: **01.04.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 9578 of 2025

K.Abdul Rahman

Petitioner/A5

Vs

The State Rep by,
The Inspector of Police,
PEW, Adyar Police Station,
Chennai.
(Crime No.37 of 2025)

Respondent

Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner/Accused on anticipatory bail in the event of arrest in Crime No. 37 of 2025 pending on the file of the respondent police.

For Petitioner : M/s.Swami Subramanian
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 Section 4(1-A) of the TN Prohibition Act, in Crime No.37 of 2025, on the file of the respondent police, seeks anticipatory bail.



Crl O.P.No.9578 of 2025

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2. The case of the prosecution is that the co-accused were found in illegal possession of two boxes of 330 ml coroba beer, 43 Pondichery State bottles and 73 foreign liquor bottles and the petitioner was implicated on the confession of the co-accused.

3. The learned counsel for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case; that the petitioner has no bad antecedents; that he is implicated on the confession of the co-accused and in any case, custodial interrogation of the petitioner is not required and sought anticipatory bail.

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 on instructions submitted that the contraband were seized; that the main accused were arrested and are still in custody and the petitioner has no bad antecedents.



Crl O.P.No.9578 of 2025

5. Taking note of the facts and circumstances of the case, nature of allegations, the fact that the contraband has been seized, that the petitioner has no bad antecedents; that the petitioner is sought to be implicated on the confession of the co-accused; 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.

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 of receipt of a copy of this order, before the **learned XVIIIth Metropolitan Magistrate Court, Saidapet, Chennai** 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 said Magistrate, 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



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Crl O.P.No.9578 of 2025

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.

01.04.2025

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Crl O.P.No.9578 of 2025

To:

1. The Inspector of Police,
PEW Attur Police Station,
Salem District.
2. The XVIIIth Metropolitan Magistrate Court,
Saidapet, Chennai
3. The Public Prosecutor,
Madras High Court.



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Crl O.P.No.9578 of 2025

SUNDER MOHAN, J.

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CRL OP NO. 9578 of 2025

01.04.2025