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Crl.O.P.No.10125 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 10125 of 2025

M.Subash

Petitioner(s)

Vs

The State Represented by its,
Inspector of Police,
Mailam Police Station,
Vilupuram District.
(Crime No.122 of 2025)

Respondent(s)

For Petitioner(s) : Mr.N.Arunkumar

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

PRAYER To enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent in Crime No.122 of 2025 on the file of the Respondent.

ORDER

The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Sections 4(1)(a) of TNP Act and 4(1)(C), 4(1-A) (ii) of the Tamil Nadu Prohibition (Amendment) Act, 2024, in Crime No.122 of 2025, on the file of the respondent Police, seeks anticipatory bail.



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2. The case of the prosecution is that there are totally three accused and the petitioner is A2; that the petitioner along with other accused were found to be in illegal possession of 100 packets (each 200 ml) of Pondicherry liquor.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case and that there is no evidence against this petitioner except for the confession of the co-accused and prayed for anticipatory bail for 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 that only on the confession of the co-accused, the petitioner has been falsely implicated, that there are three previous cases against the petitioner and he is on bail in those cases and that no contraband was seized from the petitioner.

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

6. Taking note of the facts and circumstances of the case, nature of



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allegations, submissions made by the learned counsels on either side, the fact that

the no contraband was seized from the petitioner and the petitioner is on bail in other cases, 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.

7. 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 **Judicial Magistrate Court No.II, Tindivanam**, 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 and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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[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 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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04-04-2025

To

1. The Inspector of Police,
Mailam Police Station, Vilupuram District.

2. The Judicial Magistrate Court – II,
Tindivanam.

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