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Crl.O.P.No.10117 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 10117 of 2025

Kanagasabapathy

Petitioner(s)

Vs

The State Represented by,
Inspector of Police,
PEW-Tiruppur,
Tiruppur District.
(Crime No.77 of 2025)

Respondent(s)

For Petitioner(s) : Mr.B.Thirumalai

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.77 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 Section 4(1)(A) of the Tamil Nadu Prohibition (Amendment) Act, 2024 @ 318, 336 of BNS 2023, in Crime No.77 of 2025, on the file of the respondent Police, seeks anticipatory bail.



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2. The case of the prosecution is that, the petitioner/accused were found to be in illegal possession of 168 bottles (each 750 ml) of IMFL brandy bottles in 14 boxes each containing 12 numbers of 750 ml bottles.

3. The learned counsel for the petitioner submits that the allegations are false; that the petitioner is sought to be implicated based on the confession of the co-accused and prayed for anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions, confirmed that the petitioner was implicated in this case based on the confession statement recorded from A1 and A2; and that there are two previous cases against the petitioner and he is on bail in those cases.

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. Considering the fact that the petitioner is sought to be implicated based on confession of co-accused and the petitioner is on bail in previous cases,



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WEB this Court is of the view that the custodial interrogation of the petitioner is not required for the purpose of investigation. Therefore, this Court is inclined to grant anticipatory bail to the petitioner on 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, Palladam**, 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;

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



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[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

1. The Inspector of Police,
PEW-Tiruppur,
Tiruppur District.

2. The Judicial Magistrate Court,
Palladam.

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