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Crl.O.P.No.10695 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 10695 of 2025

Rajesh

Petitioner(s)

Vs

The State Represented by,
Inspector of Police,
Prohibition Enforcement Wing – Tiruppur,
Tiruppur District.
(Crime No.77 of 2025)

Respondent(s)

For Petitioner(s) : Mr.Vijayaragavan Marimuthu

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



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2. It is the case of the prosecution that the petitioner A1 and A2, were found to have illegally transported 168 brandy bottles, each containing 750 ml, in a car, bearing Reg.No.TN 10 E 8128, which belongs to the petitioner, and illegally sold the same for high price.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case based on the confession statement recorded from the co-accused; and that the co-accused were already granted anticipatory bail. Therefore, he prayed for anticipatory bail for the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police reiterated the prosecution case and on instructions submitted that there are totally eight accused and the petitioner herein is ranked as A7; that the property has been recovered and that the petitioner has no bad antecedents.

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 nature of allegations; the fact that the co-accused were granted anticipatory bail; the petitioner has no bad antecedents; and since



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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, 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, Palladam, Tiruppur District**, 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 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.**

SUNDER MOHAN J.



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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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09-04-2025

To

1. The Inspector of Police,
Prohibition Enforcement Wing – Tiruppur,
Tiruppur District.

2. The Judicial Magistrate, Palladam,
Tiruppur District.

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