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Crl.OP.No.11429 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 11429 of 2025

Elangovan @ Gose

Petitioner

Vs.

The State Rep. By

Inspector of Police

PEW-Madhavaram Police Station,

Chennai District. (Crime. No. 6/2025)

Respondent(s)

For Petitioner(s):

Mr.A.Saranraj

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)(I) of the Tamil Nadu Prohibition (Amendment) Act, 2024 R/w Section 318, 336(3) and 340(2) of BNS, in Crime No.6 of 2025, on the file of the respondent police,



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seeks anticipatory bail.

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2. The case of the prosecution is that based on secret information with regard to illegal sale of alcohol, the respondent police conducted a search, wherein they found that the petitioner was in possession of 300 bottles of brandy each containing 180 ml. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he was implicated based on the confession of the co-accused and therefore, prayed for anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and on instructions submitted that the contraband has been seized; that the petitioner has no bad antecedents; and that he was implicated only on the confession of the co-accused.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6. Considering the nature of allegations, the fact that the petitioner was implicated based on the confession of the co-accused/A1, the fact that the contraband was seized; and since the petitioner has no bad antecedent, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following 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 of receipt of a copy of this order, before the learned District Munsif-cum-Judicial Magistrate Court, Madhavaram, Chennai, on condition that the petitioner shall execute a 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:



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- [a] 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, everyday at 10.30 a.m., until further orders;
- [c] the petitioner shall not abscond either during investigation or trial;
- [d] the petitioner shall not tamper with evidence or witness 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***



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of Kerala reported in [(2005)AIR SCW 5560];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

17.04.2025

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To

1. The Inspector of Police
PEW-Madhavaram Police Station,
Chennai District.
2. The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN, J.

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