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Crl O.P.No.11434 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 11434 of 2025

Govindaraj

Petitioner

Vs

The State Rep by,
The Inspector of Police,
Prohibition Enforcement Wing,
Thirupathur,
Thirupathur District.
(Crime No.481 of 2024)

Respondent

Prayer: 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. 481 of 2024 pending on the file of the respondent police.

For petitioner : Mr.R.Thulasi

For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)



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ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(g), 4(1)(a) 4(1-A)(ii) of the Tamil Nadu Prohibition Act, 2024, in Crime No.481 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused was found to be in illegal possession of 600 liters of fermented wash and 5 liters of ID Arrack. Hence the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case; that the co-accused/A2 was arrested and released on bail 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



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petitioner, reiterated the prosecution case and submitted that the contraband were seized and the petitioner has two previous cases.

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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. Taking note of the facts and circumstances of the case, the nature of allegations, the fact that the contraband has been seized; the petitioner is on bail in the previous 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 of receipt of a copy of this order, before **the Judicial Magistrate No.II, Thirupathur**, 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



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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 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].



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[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,
Prohibition Enforcement Wing,
Thirupathur,
Thirupathur District.
2. The Judicial Magistrate No.II,
Thirupathur.
3. The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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