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Crl OP No.11668 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.11668 of 2025

Kumar @ Premkumar

... Petitioner

Versus

The State Rep by,
The Inspector of Police,
PEW-Sirkazhi Police Station,
Mayiladuthurai District.
Crime No.1240 of 2024.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of BNSS Act, to enlarge the petitioner on bail in the event of his arrest in Crime No.1240 of 2024 on the file of the respondent police.

For petitioner : Mr.N.Chinnaraj

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Section 4(1)(B) of TNP (Amendment) Act, 2024 in Crime No.1240 of 2024, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that, based on secret information, the respondent police conducted a search and found that the petitioner



along with other accused was found to be in illegal possession of 100 glass bottles (each 180 ml) of Pondy arrack.

3.Learned counsel appearing for the petitioner submitted that the petitioner is innocent; that the petitioner is sought to be implicated based on the confession of the co-accused; that the co-accused were released on bail and hence, he 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 confirms the fact that the co-accused/A2 & A3 were arrested and released on bail; that the contraband has been seized and that there are two previous cases against the petitioner and he is on bail in those cases.

5. Heard both sides and perused the materials available on record.

6. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsel on either side, the fact that the petitioner is sought to be implicated based on confession of co-accused; co-accused were released on bail; the petitioner is on bail in 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 on which the order copy made ready, before the learned **District Munsif cum Judicial Magistrate, Tharangapadi**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties** 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.

[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;



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SUNDER MOHAN J.

drl

[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.

21.04.2025

drl

To

1. The Inspector of Police,
PEW-Sirkazhi Police Station,
Mayiladuthurai District.

2. The Public Prosecutor,
High Court of Madras, Chennai.

Crl.O.P.No.11668 of 2025