



WEB COPY



Crl O.P.No.11873 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22.04.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 11873 of 2025

Muthu

Petitioner

Vs

The State Rep by,
The Inspector of Police,
PEW Police Station,
Tiruvannamalai District.
(Crime No.48 of 2025)

Respondent

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. 48 of 2025 pending
on the file of the respondent police.

For petitioner : Mr. Appaswamee V R
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 Sections 4(1)(i) of
the Tamil Nadu Prohibition Act r/w Section 4(1)(a) of the Tamil Nadu
Prohibition (Amendment) Act 2024, in Crime No.48 of 2025, on the file
of the respondent police, seeks anticipatory bail.



Crl O.P.No.11873 of 2025

WEB COPY

2. The case of the prosecution is that the co-accused was found in illegal possession of 30 Mcilene Brandy Bottles, each containing 180 ml and the petitioner was implicated on the confession of the co-accused.

3. The learned counsel for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case; the co-accused was arrested and released on bail; the petitioner was implicated on the confession of the co-accused; and in any case, custodial interrogation of the petitioner is not required and sought for anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that the contraband were seized and the petitioner has previous cases.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and



Crl O.P.No.11873 of 2025

contention, is ready and willing to deposit an amount of Rs.5,000/- as non-refundable deposit to any welfare scheme of the Government or any other organization. Hence, he prayed for grant of anticipatory bail to the petitioner .

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 willing to deposit an amount of Rs.5,000/- as non-refundable deposit to any welfare scheme; the co-accused was arrested and released on bail; the petitioner is implicated on the confession of the co-accused; the petitioner is on bail in other 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 directed to make a non-refundable deposit of **Rs.5,000/- [Rupees Five Thousand Only]** directly to the credit of “**District Legal Services Authority, Tiruvannamalai**”, without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be



Crl O.P.No.11873 of 2025

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, Cheyyar** 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 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



WEB COPY



Crl O.P.No.11873 of 2025

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.

22.04.2025

vca



WEB COPY



Crl O.P.No.11873 of 2025

SUNDER MOHAN, J.

vca

To:

1. The Inspector of Police,
PEW Police Station,
Tiruvannamalai District.
2. The Judicial Magistrate,
Cheyyar.
3. The Public Prosecutor,
Madras High Court.

CRL OP NO. 11873 of 2025

22.04.2025