



CRL OP NO. 12351 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: **24.04.2025**

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 12351 of 2025

1. Gayathri
2. Sanjay

Petitioners/A2 & A3

Vs

The State Rep By
The Inspector of Police
Villupuram West Police Station,
Villupuram District.
(Crime No.79 of 2025)

Respondent

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioners/Accused on
anticipatory bail in the event of arrest in Crime No. 79 of 2025 pending on
the file of the respondent police.

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent
police for the offences punishable under Sections 4(1)(a), 4(1)(i), 4(1)(C),
4(1)(A) and 14(A) of the Tamil Nadu Prohibition Act in Crime No.79 of
2025, on the file of the respondent police, seek anticipatory bail.

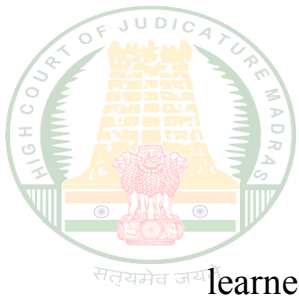


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2. The case of the prosecution is that the co-accused/A1 was found in possession of 40 bottles of ML Allways Super Strong Brandy each containing 180 ml and the petitioners were implicated on the confession of the co-accused/A1.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent; that they have been falsely implicated in this case; the petitioners were sought to be implicated on the confession of the co-accused; that without prejudice to their defence, they are prepared to pay an amount of Rs.20,000/- towards any charitable organization or association and prayed for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and on instructions submitted that the contraband were seized and that the first petitioner has no bad antecedents and the second petitioner has eight previous cases.

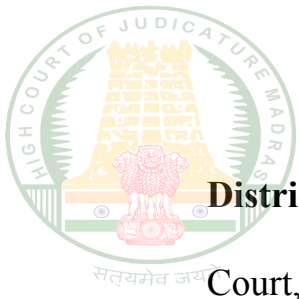


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5. Further, considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** to the credit of **'Legal Services Authority, Villupuram District'** without prejudice to their right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

6. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, the fact that the contraband were seized, the first petitioner has no bad antecedents, the second petitioner is on bail in the other previous cases; the petitioners have been implicated on the confession of the co-accused/A1; and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are directed to make a non-refundable deposit of **Rs.20,000/- [Rupees Twenty Thousand Only]** directly to the credit of **“District Legal Services Authority, Villupuram**



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District", without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of copy of this order, before the **learned Judicial Magistrate – I, Villupuram**, on condition that the petitioners 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:

[a] the petitioners 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 first petitioner shall report before the respondent police everyday at 10:30 a.m., until further orders and the second petitioner shall report before the respondent police as and when required.

[c] the petitioners shall not tamper with



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evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

24.04.2025

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SUNDER MOHAN,J.

GBI

To:

1. The Inspector of Police
Villupuram West Police Station,
Villupuram District.
2. The Judicial Magistrate – I, Villupuram
3. The Public Prosecutor,
High Court Madras.

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