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Crl.O.P.No.14911 of 202



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.05.2025

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

Crl.O.P.No.14911 of 2025

1.Surendhar

2.Arunthathi

... Petitioners/Accused 2 & 3

Vs.

State rep by
The Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai District.

(Crime No.185 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 482 of BNSS to enlarge the petitioners on anticipatory bail in Crime No.185 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.M.Vinoth

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioners, who apprehend arrest at the hands of the respondent, seeking anticipatory



bail in Crime No.185 of 2025 registered for the offence under Sections 4(1)(A) and 4(1-A)(ii) of TNP (Amendment) Act, 2024.

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2.It is the case of the prosecution that the petitioners were found in illegal possession of 450 bottles of Pondicherry liquor. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners are ready to abide by any condition that may be imposed by this Court and sought for anticipatory bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the first petitioner/A2 was arrested on 17.05.2025 and that the second petitioner/A3 has no bad antecedents.

5.Heard the learned counsel on either side and perused the materials available on record.



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6.Since the first petitioner/A2 was arrested on 17.05.2025, the petition seeking anticipatory bail is dismissed as against the first petitioner.

Considering the nature of allegations and the fact that the petitioner/A3 has no bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner/A3 with certain conditions.

7.Accordingly, the petitioner/A3 is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of copy of this order, before the **Judicial Magistrate Court, Sirkazhi**, 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 conditions that:

[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/A3 shall report before the jurisdictional Magistrate from Monday to Friday at 10.30 a.m., and shall appear before the respondent police on Saturday and Sunday at 10.30 a.m., until further orders:



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[c] the petitioner/A3 shall not abscond either during investigation or trial;

[d] the petitioner/A3 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/A3 in accordance with law as if the conditions have been imposed and the petitioner/A3 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* 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.

21.05.2025

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Note :

1.Registry is directed to forthwith upload this order in the official website of this Court.

2.All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.



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N.SENTHILKUMAR, J.

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Copy to:

- 1.The Judicial Magistrate Court, Sirkazhi.
- 2.The Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai District.
- 3.The Public Prosecutor,
High Court of Madras.

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