



Crl.OP.No.17118 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 17.06.2025

CORAM
THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR
CRL OP NO.17118 of 2025

Lokeshwaran

Petitioner

Vs

The State Rep By
The Inspector of Police
Mamallapuram PEW Police Station,
Chengalpattu District.
(Crime No.212 of 2025)

Respondent

Prayer:- Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner on anticipatory bail
in the event of arrest in Crime No.212 of 2025 pending on the file of the
respondent police.

For Petitioner : Mr.B.Manibharathi

For Respondent : Mr.R.Vinothraja

Government Advocate

(Criminal Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Section 4 (1) (b) of the Tamil Nadu
Prohibition (Amendment) Act, 2024, in Crime No.212 of 2025, on the file of
the respondent police, seeks anticipatory bail.



Crl.OP.No.17118 of 2025

WEB COPY

2.The case of the prosecution is that, the petitioner was running a restaurant namely Kalos Restaurant. On 27.05.2025, at about 20.30 hours, the respondent Police had conducted a raid in the said restaurant, the customers were found in illegal possession of four IMFL empty bottles (British Empire brand, 650 ml each) and unopened three IMFL Bottles (British Empire Brand, 650 ml each). Hence the case.

3.The contention of the learned counsel for the petitioner is that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the custodial interrogation of the petitioner is not required. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The 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 on instructions submitted that petitioner was not in the scene of occurrence.

5.Heard the learned counsel for the petitioner and the learned



Crl.OP.No.17118 of 2025

Government Advocate (Criminal Side) for the respondent Police and
perused the materials available on record.

6.Considering the nature of the allegations, the fact that the petitioner was not in the scene of occurrence and since, custodial interrogation of the petitioner is not required, 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 Judicial Magistrate, Tirukalukundram**, 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 learned Magistrate concerned, and on proof of payment of deposits, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] if the petitioner fails to surrender before



WEB COPY



CrI.OP.No.17118 of 2025

the said Magistrate within a period of fifteen days,
this Order shall stand automatically cancelled;

[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

[c] the petitioner shall report before the respondent Police as and when required for interrogation;

[d] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall make himself available for interrogation by a Police office as and when required;

[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] the petitioner shall not abscond either during investigation or trial;

[h] 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



WEB COPY



CrI.OP.No.17118 of 2025

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];

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

17.06.2025

ep



WEB COPY



CrI.OP.No.17118 of 2025

M.NIRMAL KUMAR, J.
ep

To:

- 1.The Inspector of Police
Mamallapuram PEW Police Station,
Chengalpattu District.
- 2.The Judicial Magistrate,
Tirukalukundram
- 3.The Public Prosecutor,
High Court Madras.

CRL OP NO.17118 of 2025

17.06.2025