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Crl.O.P.No.21428 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2025

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.21428 of 2025

Anthony Xevier

... Petitioner

Vs

The State represented by
The Sub- Inspector of Police,
Tiruvannamalai Town Police Station
Tiruvannamalai District.
(Crime No.244 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in Crime No.244 of 2025 pending investigation, on the file of the respondent Police.

For petitioner : M/s.S.Elvin Niha

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.07.2025, for the offences punishable under Sections 4(1)(C) r/w 4(1-A)(ii) of Tamil Nadu Prohibition (Amendment) Act, 2024, in Crime No.244 of 2025 registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that on 20.07.2025 the respondent police conducted checkup at Samuthiram Colony at the house of the petitioner and found that the accused selling something to person standing in front of his and the respondent arrested the accused and seized 13 bottles of Mclene Brandy which were purchased from the Government Tasmac Shop for purpose of selling in higher price. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as



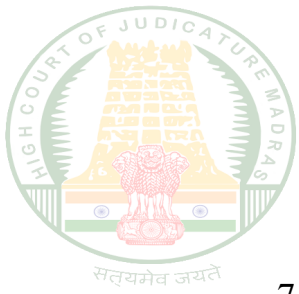
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alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (CrI.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and submitted that the accused has got two previous cases against him.

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

6. Considering the submissions made on either side, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned **Judicial Magistrate No-I, Tiruvannamalai District** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30.a.m., for a period of three weeks and thereafter as and when required for interrogation;

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



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[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] 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;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

31.07.2025

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To:

1.The Judicial Magistrate No-I, Tiruvannamalai District.

2.The Sub- Inspector of Police,
Tiruvannamalai Town Police Station
Tiruvannamalai District.
(Crime No.244 of 2025)

3.The Sub-Jail, Tiruvannamalai.

4.The Public Prosecutor,
High Court Madras.



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M.NIRMAL KUMAR, J.

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