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Crl.O.P.No.24073 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2025

CORAM

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.24073 of 2025

Muthu

... Petitioner

Vs.

State Rep. By,
The Inspector of Police,
Kariyalur Police Station,
Kallakurichi District.
Crime No.148 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.148 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.A.Gowtham

For Respondent : Mr.S.Udayakumar
Government Advocate (Criminal Side)



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ORDER

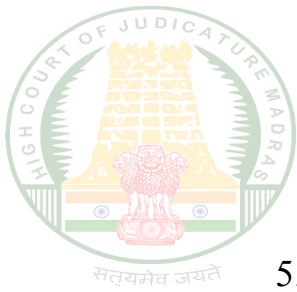
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The petitioner herein apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(C), 4(1-A)(ii) of Tamil Nadu Prohibition (Amendment) Act in Crime No.148 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that during the search, the police recovered 5 liters of arrack and 600 liters of fermented wash. The petitioner is alleged to have abandoned the illegal distillery and fled upon seeing the respondent police. Hence, the present complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and opposed for grant of anticipatory bail to the petitioner, stating that though the petitioner is a first time-offender, due to his abscondence, the final report could not be filed.



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

6. Considering the nature of the complaint, 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 ten days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Sankarapuram**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 further condition that:

[a] the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) in Crime No.148 of 2025, which shall be forfeited in case the petitioner is found guilty after trial,

[b] if the petitioner fails to surrender before the concerned Magistrate within a period of ten days from



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the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[c] 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;

[d] the petitioner shall report before the respondent police daily at 10.30.a.m., until further orders;

[e] 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]**;

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

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To

- 1.The Judicial Magistrate,
Sankarapuram.
- 2.The Inspector of Police,
Kariyalur Police Station,
Kallakurichi District.
- 3.The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN, J.

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