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Crl.OP.No.24250 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2025

CORAM

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.24250 of 2025

Nagamuthu

... Petitioner

Vs.

State rep. By
The Inspector of Police,
PEW – Mamallapuram,
Chengalpet.
(Crime No.265 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 arrest in connection with Crime No.265 of 2025, pending on the file of
the respondent police.

For Petitioner : Mr.L.Ramu

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

ORDER



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The petitioner herein apprehend arrest at the hands of the respondent police for the offences punishable under Section 4(1)(B) TNP (Amendment) Act, 2024 and 5 TNP Act in Crime No.265 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that on 16.08.2025 the respondent police went out on a patrol as a part of a prohibition hunt at Mamallapuram, Othavadai Street, Fisherman Restaurant observed that people at a few tables there were drinking beer bottles along with their food and they were drinking a 180 ML BACARDI LIMON. Two people were working in that Fisherman restaurant and immediately seized the 2 beer bottles and 1 bottle whiskey and charged the above mentioned Fisherman restaurant for the offences of allowing alcohol to be consumed without any permission and pouring alcohol for drinking. Hence this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for



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the respondent police reiterated the prosecution case and submitted that the petitioner seized the 2 beer bottles and 1 bottle whiskey without any permission. However, he opposed to grant anticipatory bail to the petitioner.

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

6. Considering the facts and circumstances of the case, 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 (10) from the date of receipt of a copy of this order, before the *learned District Munsif cum Judicial Magistrate Court at Thirukazhukundram* on condition that each of the petitioners shall execute separate bonds 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 Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal



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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 as and when required for interrogation;

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

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

04.09.2025

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- 1.The District Munsif cum Judicial Magistrate,
Thirukazhukundram.
- 2.The Inspector of Police,
PEW – Mamallapuram,
Chengalpet.
- 3.The Public Prosecutor,
High Court of Madras.

Dr.G.JAYACHANDRAN, J.

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