



CRL OP NO. 31822 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23-01-2025**

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CRL OP NO. 31822 of 2024

Sivalingam
s/o Velu, No.673, Thattarani, Illaiyankanni,
Perungulathur, Thiruvannamalai District

Petitioner(s)

Vs

State Rep By, Inspector Of Police
Pew Police Station, Thiruvannamalai District. (crime
No. 441/2024)

Respondent(s)

For Petitioner(s) : Mr.Balachandran T
For Respondent(s): Mr.V.Meganathan,
Government Advocate (Crl. Side)

ORDER

The petitioner who apprehends arrest for the alleged offences punishable under Sections 4(1)(g), 4(1)(aaa) and 4(1-A)(ii) of the Tamil Nadu Prohibition Act in Crime No.441 of 2024 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 5 barrels each 200 litres of totally 1000 litres of fermented wash and 105 litres of poisonous ID arrack. Hence, the complaint.



3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and for statistical purpose he has been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioner without prejudice to his rights, on his own volition, is ready and willing to contribute, as may be directed by this Court and he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) submitted that the petitioner was found in illegal possession of 5 barrels each 200 litres totally 1000 litres of Fermented wash and 105 litres of Poisonous ID arrack. He vehemently opposed to grant anticipatory bail to the petitioner.

5.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned District Munsif -cum- Judicial Magistrate, Thandrapet, Thiruvannamalai District*, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, out of which one surety should be a blood surety, 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 is directed to deposit a sum of **Rs.50,000/-**

(Rupees Fifty Thousand only) to the credit of Tamil Nadu



Advocate Clerk's Association, Chennai, Current Account

No.484026006, IFSC.No.IDIB000M157, Indian Bank, High

Court Branch, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioner shall report before the respondent police on every Tuesday and Sunday at 10.30 a.m., for a period of four months;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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 has been imposed and the petitioner is 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) AIR SCW*

5560]; and;



[g] if the accused thereafter absconds, a fresh FIR can be registered
under Section 229-A IPC;

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T.V.THAMILSELVI, J.



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