



Crl.O.P.No.32586 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.32586 of 2024

Balaji

... Petitioner

Vs.

The State represented by,
The Spl.Sub-Inspector of Police,
Vaniyambadi PEW Police Station,
Thirupathur District.
(Crime No.410 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of BNSS, pleaded to enlarge the petitioner on bail in the event of his arrest in Crime No.410 of 2024 on the file of the respondent police.

For Petitioner : Mr.R.Parthiban

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

ORDER

Apprehending arrest in connection with Crime No.410 of 2024 registered for the offence punishable under Section 4(1)(a) of Tamil Nadu Prohibition Act, the present petition has been filed seeking anticipatory bail.



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2. The case of the prosecution is that when the respondent and his team were on their regular patrol duty, they found that the accused was in illegal possession of 1200 liters of illicit distilled arrack and 17 liters of illicit country arrack. Hence the case.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this court. He also submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of **Rs.10,000/-** to any welfare scheme of the Government or any other organization. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

4. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police while opposing for grant of anticipatory bail is that the accused was found to be in illegal possession of 1200 liters of illicit distilled arrack and 17 liters of illicit country arrack. He would further submit that the petitioner has no previous case.



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5. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of the **"The Dean / Medical Officer, Government Vellore Medical College Hospital, Adukkamparai, Vellore."** without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

6. Further, having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, he 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 of receipt of a copy of this order, before the learned **Judicial Magistrate Court, Vaniyambadi**, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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, failing which, the petition for anticipatory bail shall stand dismissed



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and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

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

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

[e] 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 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]**;

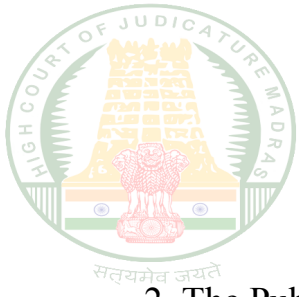
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

07.01.2025

drl

To

1. The Spl.Sub-Inspector of Police,
Vaniyambadi PEW Police Station,
Thirupathur District.



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2. The Public Prosecutor,
High Court, Madras.

A.D.JAGADISH CHANDIRA, J.

drl

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