



CRL OP NO. 32583 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-01-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 32583 of 2024

KRISHNAMOORTHY

Devarajapuram, Kangundi, Chithore District S/o. Vellayan, 000,
Devarajapuram, Kangundi, Chittor District, Andhra Pradesh.

Petitioner(s)

Vs

The State Represented By The Inspector Of Police,
Devarajapuram, Kangundi, Chithore District Vaniyambadi Pew
Police Station, Thirupathur District. (crime No.466 Of 2024)

Respondent(s)

For Petitioner(s):

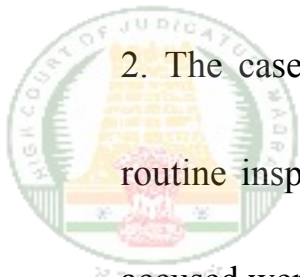
R.Parthiban
M.Shimiyon Edwin
P.Agnes Samantha

For Respondent(s):

S.Santhosh
Public Prosecutor
Madras High Court.

ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(g), 4(1)(a), 4(1-A)(ii) of Tamil Nadu Prohibition Act in Crime No.466 of 2024, on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution is that on 27.06.2024, while the respondent was on their routine inspection near Vaniyambadi Taluk, they found the petitioner along with other co-accused were in possession of 500 litres of illicit distilled arrack and 17 liters of illicit country

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arrack. On seeing the police, he ran away from the spot and upon enquiry, it is found that the petitioner herein along with other accused have involved in the said offence. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that petitioner is innocent and have not committed any offence, as alleged by the prosecution and they have been falsely implicated in this case, only based on the confession of the arrested accused. He would further submit that the petitioner is ready to abide by any condition, that may be imposed by this Court and also to appear and co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting anticipatory bail to the petitioner, stating that the petitioner along with other accused had involved in illegal possession of 500 litres of illicit distilled arrack and 17 liters of illicit country arrack . He also submitted that the petitioner has one previous case and the investigation is still pending.



5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record

including the FIR.

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6. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent Police, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their 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 separate 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] 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 their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioner shall report before the respondent Police on everyday at 10:30 A.M., until further orders;



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

[e] the petitioner shall not abscond either during the investigation or during the 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 have been imposed and the petitioner was 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]

[g] If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

20-01-2025

msv
To
The Inspector Of Police,
Devarajapuram, Kangundi, Chithore District Vaniyambadi Pew Police
Station, Thirupathur District.