



CRL OP NO. 32585 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. 32585 of 2024

T.Elumalai

S/o.Thangavelu, 000, Devarajapuram, Kangudi, Chittor District,
Andhra Pradesh.

Petitioner(s)

Vs

The State Represented By, The Inspector Of Police
Vanyambadi Pew Plice Station, Thirupathur District. Crime
No.459 Of 2024

Respondent(s)

For Petitioner(s):

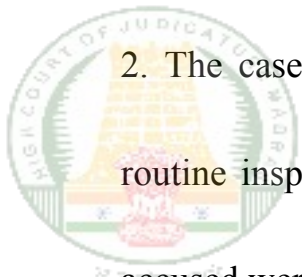
R.Parthiban
M.Shimiyon Edwin
P.Agnes Samantha Ophelie

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.459 of 2024, on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution is that on 25.06.2024, while the respondent v their
routine inspection near Vaniyambadi Taluk, they found the petitioner along with other co-
accused were in possession of 700 litres of illicit distilled arrack and 32 litres 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 700 litres of illicit distilled arrack and 32 litres of illicit
country arrack . He also submitted that two previous cases were registered during the year
2024 under IPC as against the petitioner but as of no previous case is pending under the
Prohibition Act.



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

including the FIR.

6. Having heard the learned counsel for the petitioner and the learned Government Advocate (CrI. Side) appearing for the respondent Police and also the fact that no previous case is pending, 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 the 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
Vanyambadi Pew Police Station, Thirupathur District.