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CRL OP No. 34668 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 34668 of 2025

1. Selvam

2. Kamalayi

Petitioner(s)

Vs

State rep.by, Inspector of Police,
Varanjaram Police Station, Kallakurichi
District. Cr.No.160/2025.

Respondent(s)

PRAYER

This Criminal Original Petition is filed under Section 482 of BNSS to order enlarge the petitioners on bail in Cr.No.160/2025 on the file of the respondent.

For Petitioner(s): M/s.T.Balachandran

For Respondent(s): Ms.J.R.Archana, GA (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(i) of TN Prohibition Act read with Section 4(1)(A) of TN Prohibition (Amendment) Act, 2024 in connection with the Cr. No.244 of 2025, seek anticipatory bail.



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2. The case of the prosecution is that on 06.07.2025 at around 07.30 a.m., during a routine vehicle check conducted by the respondent police near Kongurayapalaiyam Barrial Ground, the police discovered 2 Express and 1 McDowell (MCLENE) bottles, each containing 180 ml of illicit spirit, totaling 3 bottles of liquor. Hence, the case.

3. Learned counsel for the petitioners submitted that petitioners are innocent persons, and they have been falsely implicated by the respondent police and they are no way connected with the offences as alleged by the prosecution and hence he prayed to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Criminal Side) would submit that the police seized 2 Express and 1 McDowell (MCLENE) bottles, each containing 180 ml from the accused and that the petitioners has no previous case, pending against them. However, she strongly objected to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made by the learned counsel for both sides, the quantity of contraband involved in this case, and the fact that no prior



criminal cases are pending against the petitioners, and further considering that custodial interrogation of the petitioners are not necessary in a case of this nature, I am inclined to grant anticipatory bail to the petitioners, subject to the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.I, Kallakurichi, Kallakurichi District** on condition that the each of the petitioners 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30 am., for a period two weeks and thereafter as and when required for interrogation.

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[c] the petitioners shall not leave India without the previous permission of the Court;

[d] the petitioners 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 petitioners in accordance with law as if the 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)AIR SCW 5560].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

18-12-2025

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To

- 1.The Inspector of Police,
Varanjaram Police Station, Kallakurichi
District.
2. The Judicial Magistrate No.I,
Kallakurichi, Kallakurichi District.
3. The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR J.

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