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Crl.O.P.No.35757



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.12.2025

CORAM

THE HONOURABLE Mr.JUSTICE P.DHANABAL

Crl.O.P.No.35757 of 2025

Kalai @ Kalaivanan

... Petitioner

Vs

State Rep. By
The Sub-Inspector of Police
Jolarpet Police Station
Tirupathur District
(Crime No.359/ 2025)

... Respondent / Complainant

Prayer: Criminal Original Petition filed under Section 482 of B.N.S.S., pleaded to enlarge the petitioner on bail in the event of his arrest in Cr.No.359/2025 on the file of the respondent police.

For Petitioner : Mr.S.Siddharth

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner/A2, who apprehends arrest in the hands of the respondent police for the offences punishable under Section 4(1) (A) and 4(1) (C) of TNP (Amendment) Act, 2024 in connection with the Cr.No.359 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that on 04.11.2025, when the



respondent police were on their regular patrol duty, at that time, the petitioner/A2 was found in illegal possession of 29 bottles of Carnival XXX Rum each measuring 180 ml. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, as he was in possession of 29 bottles of liquor. He further submitted that the based on the confession statement of the co-accused, this petitioner has been arrayed as an accused and no contraband was recovered from the petitioner. He further submitted that A1 was arrested and released on bail. He has not committed any offence as alleged in the FIR. Hence, he prayed anticipatory bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would contend that the petitioner was found to be in illegal possession of 29 bottles of liquor. He further submitted that the petitioner has no previous case pending against him and no contraband recovered from him. However, he strongly opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.



6. Considering the submission made by the learned counsel of either side and also considering the nature of offence and no previous case pending against him and co-accused had already been released on bail, I am inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the **Judicial Magistrate No.1, Thirupathur District** on condition that the petitioner shall execute a 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 learned Magistrate concerned and on further conditions that :-

[a] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not commit any offences of similar nature.

[c] the petitioner shall not abscond either during investigation or trial.

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

[e] On breach of any of the aforesaid conditions, the learned Judicial 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



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P.DHANABAL, J.,

gv/msr

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 BNS.

gv/msr

30-12-2025

Note : 1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The Judicial Magistrate No.1,

Thirupathur District

2. The Sub-Inspector of Police

Jolarpet Police Station

Tirupathur District

3. The Public Prosecutor

High Court, Madras.

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