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CRL OP No. 36129 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-12-2025

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

CRL OP No. 36129 of 2025

Venkatesan

..Petitioner(s)

Vs

The State Rep By,
The Inspector of Police
Kallakurichi PEW Police Station,
Kallakurichi District.
Crime No.78 of 2025.

..Respondent(s)

Prayer: Criminal Original Petition filed u/s.482 of BNSS 2023 seeking to enlarge the petitioner on bail in the event of his arrest in respect of Crime No.78 of 2025 on the file of the respondent police.

For Petitioner(s):

Mr. T. Mahavishnu

For Respondent(s):

Mr.S.Udaya Kumar, GA (crl.side)

ORDER

The petitioner/Accused No.2, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 4(1)(C), 4(1-A) (ii) of Tamil Nadu Prohibition Act in connection with the Cr.No.78 of 2025, seeks anticipatory bail.



2. The case of the prosecution is that on 16.12.2025, while the respondent police was engaged in search, A1 was found in possession of 2 litre of ID Arrack and 60 litres of Fermented Wash and the allegation against the petitioner/A2 is that he along with other accused attempted to prepare the fermented wash. Based on the confession of A1, the petitioner was implicated. Hence a case has been registered against him.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that based on the confession of A1, he was falsely implicated in this case and no alleged contraband was recovered from him. He further contend that the co-accused in this case was arrested and released on bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would contend that while conducting search by the respondent police, A1 was found in possession of illicit liquor and based on the confession of A1 stating that this petitioner along with other accused prepared fermented Wash, this petitioner was implicated in this case. He further submit that as against him, one previous case is pending and co-accused in this case



was arrested and released on bail. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

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

6. Considering the nature of offences and fact that no recovery of alleged contraband was made against him and only based on the confession statement given by the co-accused/A1, this petitioner was implicated in the case and further, the co-accused in this case was already released on bail and though he is having one previous case pending against him, already bail was granted in that case, 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 Court, Kariyalur**, 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

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.

Index:yes/no
Internet:yes/no
msr/gv

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 Court, Kariyalur
2. The Inspector of Police,
Kallakurichi PEW Police Station,
Kallakurichi District.



3.The Public Prosecutor
High Court, Madras.

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P.DHANABAL J.

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