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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2026

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THE HONOURABLE MR JUSTICE K.RAJASEKAR

CRL.O.P.No.2069 of 2026

Askar Ali

... Petitioner

Versus

The State rep by its,
The Inspector of Police,
Salem Town Police Station,
Salem District.
(Crime No.435 of 2025)

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 of B.N.S.S., to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.435 of 2025 on the file of the respondent police.

For Petitioner : Mr.Vasudevan Bramalingam

For Respondent : M/s.J.R.Archana
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest by the respondent police for the offences punishable under Sections 4(1)(a) and 4(1)(i) of TN Prohibition Act, in Crime No.435 of 2025 registered on the file of the respondent police seeks anticipatory bail.



2. The allegation against the petitioner is that he was found in possession of six bottles of brandy, each containing 180 ml, and hence, the present case has been registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case, since he has got some previous cases. He further submitted that he is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed for the grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the petitioner is having 10 previous cases pending against him and that the investigation is still pending. Hence, he opposed the grant of anticipatory bail to the petitioner.

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

6. Considering the submissions made by the learned counsel on either side, though the petitioner has ten previous cases and has been acquitted in some of the cases, and the quantity involved in this case, this Court is 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 of receipt of a copy of this order before the *learned Judicial Magistrate No.I, Salem*, on condition that the petitioner 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) 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;

(b) the petitioner shall report before the concerned Court, daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 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]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

30.01.2026

drl

To

1.The Judicial Magistrate No.I,
Salem.

2. The Inspector of Police,
Salem Town Police Station,
Salem District.

3.The Public Prosecutor,
High Court, Madras.



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K.RAJASEKAR, J.

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