



CRL O.P. No.1949 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 31.01.2025

Pronounced on: 18.02.2025

CORAM

The Hon`ble Mr.Justice P.DHANABAL

CRL OP.No. 1949 of 2025

Gautham Chand Jain S/o. Pannalal Jain

... Petitioner /Accused

Vs

State rep. by:-

The Additional Superintendent of Police,
CBI,
CBI Special Task, Chennai.
[Cr. No.2 of 2024]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 439 of Criminal Procedure Code / Section 483 of B.N.S.S., praying to grant bail to the petitioner / Accused in Cr. No.2 of 2024 on the file of the respondent police.



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For Petitioner : Mr. V. Karthik, Senior Counsel
for M/s. Adithya Varadarajan
For Respondent : Mr. K. Srinivasan,
Senior Counsel
Special Public Prosecutor for
CBI Cases.

ORDER

The petitioner/Accused, who was arrested and remanded to judicial custody on 24.06.2024 for the offences punishable under Sections 328 and 304(2) of IPC and Section 4(1)(i), 4(1-A) of Tamil Nadu Prohibition Act in Cr. No.2 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 18.06.2024 at about 7 p.m., one Sekar, a resident of East Street, Karunapuram, Kallakurichi had consumed illicit liquor, which was sold by Kannukutti alias Govindarajan, his wife Vijaya and his brother Dhamodharan. On 19.06.2024 at about 8.30 a.m., the said Sekar had woken up feeling nausea and with pain in his stomach and he was immediately taken to Sanjeevi Hospital at Kallakurichi-Dhurgam Road, where he did not respond to the treatment given to him and had passed away. Based on



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the complaint lodged by Dinakaran, son of the deceased Sekar, this case was registered.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case against the petitioner and others for the alleged offences under Sections 328 and 304(2) of IPC and Section 4(1)(i), 4(1-A) of Tamil Nadu Prohibition Act in Cr. No.2 of 2024. This petitioner was arrested and remanded to judicial custody on 24.06.2024. The petitioner is a wholesale dealer of chemicals running under the name and style of "Shree Chem Chemicals", a Proprietorship concern involved in the trading of Pharmaceutical Chemical, Laboratory Chemical, Chemical solvent and Gum Rosin and a leader in the market for the supply of chemicals such as Acetone, Methylene Dichloride (MDC), Isopropyl Alcohol (IPA) and Toluene and other solvent chemicals. While so, the prosecution projected the case against the petitioner stating that on 18.06.2024 at about 7 p.m., one Sekar, a resident of East Street, Karunapuram, Kallakurichi had consumed illicit



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liquor, which was sold by Kannukutti alias Govindarajan, his wife Vijaya and his brother Dhamodharan. On 19.06.2024 at about 8.30 a.m., the said Sekar had woken up feeling nausea and with pain in his stomach and he was immediately taken to Sanjeevi Hospital at Kallakurichi-Dhurgam Road, where he did not respond to the treatment given to him and he was reported dead and to that effect, a complaint was lodged by one Dinakaran, son of deceased Sekar, thereby the said case has been registered. Thereafter, the Director General of Police, transferred the case to CBCID and now, the case has been renumbered as Cr. No.2 of 2024 for the offences under Sections 328 and 302 of IPC and Section 4(1)(i), 4(1-A) of Tamil Nadu Prohibition Act and again the case has been transferred to CBI, Chennai.

3.1. In fact, the petitioner's name was not found place in the previous FIR and based on the confession statement of the co-accused, this petitioner was arrested by the police for supplying Methonal. The petitioner was arrested by the respondent police and remanded to judicial



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custody on 24.06.2024. Infact the petitioner supplied 1000 litres of Industrial Grade Hexane Solvent through India Mart on 03.06.2024 and on 04.06.2024, to one Madhesh. The said Madhesh, after testing the samples, purchased 8 barrels of Hexane solvent from the petitioner on 08.06.2024 and paid a sum of Rs.1,22,999/- to the petitioner. Thereafter, the said Madhesh contacted the petitioner on 10.06.2024 and returned 6 of the barrels purchased by him as they were oily and not of satisfactory quality, thereby, the petitioner has also returned back the amount of Rs.85,820/-. The said two barrels, which were sold by the petitioner to Madhesh is incapable of being used in the manufacture of illicit arrack as it is oily in nature and does not mix with water. Now, the petitioner came to know that after Madhesh had returned the six barrels supplied by the petitioner, due to poor quality, Madhesh had contacted Sivakumar behind the back of the petitioner and Sivakumar had procured Methanol from Banshilal and supplied it directly to Madhesh, who, in turn, sold it to some third persons, which was ultimately used in the preparation of the illicit arrack, which led to unfortunate loss of many lives. The



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petitioner's employee Sivakumar had supplied Methanol by procuring it from M/s. Divya Chemical Corporation without the knowledge of the petitioner.

3.2. The earlier bail application filed by the petitioner was dismissed by the learned Principal District and Sessions Judge, Kallakurichi. Thereafter, the petitioner filed a bail petition before this Court in Crl. O.P. No.22859 of 2024 and the same was dismissed as Act 14 of 1982 was invoked against the petitioner. The said detention order was also set aside by this Court in H.C.P. No.2633 of 2024. In the detention order, the District Collector filed an affidavit stating that the Hexane solvent which was sold by the petitioner to Madhesh was not used in the preparation of the spurious liquor, which led to the unfortunate loss of 70 lives. Therefore, this petitioner is noway connected with the above said incident. The change in circumstance in this case is already Act 14 of 1982 against the petitioner was set aside by the Hon'ble Division Bench of this Court. Therefore, prayed to grant bail



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to the petitioner.

4. The learned Special Public Prosecutor for CBI Cases appearing for the respondent police would submit that they received the case papers recently and investigation is at initial stage. In fact, on 18.06.2024 at about 7 p.m., one Sekar, a resident of East Street, Karunapuram, Kallakurichi had consumed illicit liquor, which was sold by Kannukutti alias Govindarajan, his wife Vijaya and his brother Dhamodharan. On 19.06.2024 at about 8.30 a.m., the said Sekar had woken up feeling nausea and with pain in his stomach and he was immediately taken to Sanjeevi Hospital at Kallakurichi-Dhurgam Road, where he did not respond to the treatment given to him and had passed away and therefore, a complaint was lodged by one Dinakaran, son of deceased Kannan and initially FIR was registered in Cr. No.417 of 2024 for the offences under Sections 328 and 304(2) of IPC and Section 4(1)(i), 4(1-A) of Tamil Nadu Prohibition Act. Thereafter, as per the order passed by the Director General of Police, the case was transferred to CBCID for further



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investigation and the case was registered under Villupuram CBCID Cr. No.2 of 2024 for the offences under Sections 328 and 304(2) of IPC and Section 4(1)(i), 4(1-A) of Tamil Nadu Prohibition Act, again the case has been transferred to CBI, Chennai for further investigation.

4.1. From the records of CBCID, it is seen that the accused was arrested in this case in Cr. No.2 of 2024 for the supply of 8 barrels of Industrial Grade Hexane Solvent chemicals to the accused Madhesh and out of 8 barrels, 2 barrels containing about 400 litres were transferred in 10 Blue cans of 35 litres each and the same was transported to accused Vedamuthu @ Arimuthu through accused Deivagan and Nadupayyan @ Joseph and also, it came to know that, out of 10 cans, 2 cans were reportedly destroyed / disposed and rest of the 8 cans were seized by CBCID and subjected to chemical analysis and report received from Forensic Science lab shows that the same contains traces of Tremolo, which is Psychotropic substance covered under NDPS Act.

4.2. Investigation needs to be carried out to find out from where



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this regulated chemical was obtained and unauthorizedly supplied by the accused / petitioner. Further, investigation requires to be conducted to find out the role of the petitioner in this case. In fact, CBI had registered the case on 21.01.2025 and investigation is at initial stage. Hence, he strongly opposed to grant bail to the petitioner.

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

6. In this case, it is very unfortunate that due to consumption of illicit arrack, more than 70 persons died. This petitioner has been arrayed as an accused for the supply of chemicals namely Industrial Grade Hexane solvent chemicals. According to the prosecution case, the petitioner supplied 8 barrels of Industrial Grade Hexane solvent chemicals to one Madhesh, who is also one of the accused and out of this, 2 barrels containing about 400 litres were transported to accused Vedamuthu @ Arimuthu through accused Deivagan and Nadupayyan @ Joseph. From the CBCID investigation, it came to know that out of 10



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cans, 2 were reportedly destroyed and 8 cans were seized by CBCID and they were subjected to chemical analysis and as per the report, it contains traces of Tremolo, which is Psychotropic substance covered under NDPS Act. Moreover, the petitioner was arrested and remanded to judicial custody on 26.07.2024. Thereafter, Act 14 of 1982 was invoked and he was detained and thereafter, the said detention order was quashed by this court through an order in H.C.P. No.2633 of 2024 dated 06.01.2025.

7. It is seen from the counter filed by the District Collector in HCP proceedings that the hexane solvent sold to Madhesh was not used in the preparation of spurious liquor and even as per the counter of the respondent and as per the CBCID investigation, out of 10 cans, 2 cans were sold to Vedamuthu @ Arimuthu through the accused Deivagan and Nadupayyan @ Joseph and two cans were destroyed and 8 cans were seized and already 6 barrels were returned to the petitioner, since they were oily in nature. Therefore, from the above, this Court can infer that the chemicals sold by the petitioner have not been used for spurious



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liquor. Moreover, there is no dispute that the petitioner is the license holder and he is the wholesale dealer to sell the said Industrial Grade Hexane solvent chemicals.

8. Already the previous investigation agency conducted investigation and the petitioner is in judicial custody from 24.06.2024. During the remand period also, no police custody was sought for. It is true that the present investigation agency received the case papers recently. However, already investigation was conducted by the previous investigation agency and the chemicals sold by the petitioner was not at all used in the preparation of illicit arrack, which led to the incident. Therefore, it is for the present investigation agency to find out the real facts. However, the petitioner is in judicial custody from 24.06.2024. Therefore, it is appropriate to grant bail to the petitioner with certain conditions.

9. In the result, this Court is inclined to grant bail to the petitioner



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subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to 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 **Chief Judicial Magistrate, Kallakurichi** and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[c] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence;



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[f] 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].\

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

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index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs

P.DHANABAL,J

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To

- 1.The Chief Judicial Magistrate, Kallakurichi.
- 2.The Public Prosecutor, Madras High Court, Chennai.
- 3.The Additional Superintendent of Police, CBI, CBI Special Task, Chennai.

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4. The Superintendent of Police, Central Prison, Cuddalore.

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