



CRL O.P. No.858 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 30.01.2025

Pronounced on: 18.02.2025

CORAM

The Hon`ble Mr.Justice P.DHANABAL

CRL OP.No. 858 of 2025

Sivakumar

... Petitioner /A1

Vs

**State rep. by:-**

Additional Superintendent of Police  
CBI, STB, 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 1 in Cr. No.2 of 2024 on the file of the respondent police.

For Petitioner : Mr. C.R.Gopinath



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For Respondent : Mr. S.Balaji  
Government Advocate [Crl. side]

**ORDER**

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 25.06.2024 for the offences punishable under Sections 328,304(ii),4(1)(i),4(1-A) of TNP 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.,the father of the defacto complainant had consumed illicit arrack, which was sold in their village burial ground by one Kannukutty @ Govindarajan, his brother Dhamodaran and one Vijaya wife of Govindaraj. Thereafter on the next day at about 08.30 hrs when the father of the defacto complainant woke up he told that he is having stomach pain and vomitting, hence he was taken to Sanjeevi Private Hospital at Kallakurichi, where he took treatment and later he died. Based on the complaint lodged by Dinakaran , son of the deceased Kannan, this case was registered.

3. The learned counsel for the petitioner would contend that the



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respondent police have registered a false case against the petitioner and others in Crime No. 2 of 2024 for the offences under Sections 328, 304(ii), 4 (1)(i), 4(1-A) of TNP Act and the petitioner was arrested and remanded to judicial custody on 25.06.2024. The petitioner has not committed any offence as alleged by the prosecution and he is no way connected with the said offence. Already the petitioner filed a petition for bail before the learned Principal District and Sessions Judge, Kallakurichi and the same was dismissed on 15.07.2024. Already the petitioner was detained under Act. 14 of 1982 and thereafter the Hon'ble Division Bench of this Court had set aside the detention order through HCP No.12582 of 2024. The petitioner is in custody for more than six months. Further the petitioner is suffering from serious lung ailments and he was taking treatment even prior to his arrest. Therefore, prayed to grant bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent police would submit that the respondent received the case from the CBCID (Villupuram) recently and the original First



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Information Report is pending before the learned Chief Judicial Magistrate, Chengalpattu. The C.B.I has just commenced the investigation and this petitioner is the key accused and if he is released on bail there is chance to hamper the investigation. The petitioner/accused is working in Shree Chem chemicals at Madhavaram and he has helped another accused Madhesh to purchase 200 litres of Ethyl alcohol mixed with Methyl alcohol from the accused Banshilal without any proper receipt. Forensic department also confirms that it was ethyl alcohol mixed with methyl alcohol which resulted in the death of about 70 persons who consumed illicit and poisonous liquor and many others suffering various health ailments. Since the CBI had just commenced the investigation and registered the case on 21.01.2025 if the petitioner is released on bail he will definitely hamper the investigation. 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 liquor more than 70 persons died and some other persons affected



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due to various health ailments. According to the prosecution this petitioner is the key accused and he only purchased 200 litres capacity of ethyl alcohol mixed with Methyl alcohol without any proper receipt. Moreover CBI recently received the case from CBCID and registered the fresh First Information Report and the charges against the petitioner are grave in nature and thereby elaborate investigation is necessary in this case. Therefore at this stage this Court is not inclined to grant bail to the petitioner, hence the petition stands dismissed.

18.02.2025

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

To  
1.The Additional Superintendent of Police, CBI, STB, Chennai.  
2.The Public Prosecutor, Madras High Court, Chennai.

**P.DHANABAL,J**

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