



CRL OP NO. 4630 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 4630 of 2025

1.Kannukutty
2.Thamotharan
3.Vijaya

... Petitioner

Vs.

State Rep By
The Staion Officer,
CBCID, North Police Station,
Villupuram & District.
(Cr.No.2 of 2024)
Now transferred to
The Additional Superintendent of Police,
CBI:STB, Chennai.
(Cr.No.RC3(s) of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleased to enlarge the petitioner on bail, in connection with the Crime No.2 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Prabudoss
For Respondent : Mr.K.Srinivasan, Senior Counsel,
Special Public Prosecutor for CBI Cases



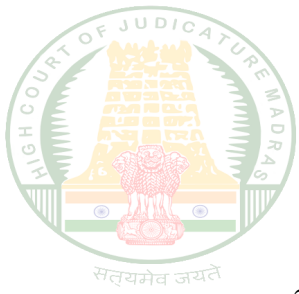
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ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 21.06.2024, seeking bail in Crime No. 2 of 2024 registered for the offences under Sections 328, 304(ii) of IPC r/w Sections 4(1)(i) & 4(1-A) of the T.N.P.Act.

2. The case of the prosecution is that the de facto complainant father is a cattle broker; that he had consumed liquor on 18.06.2024, which was sold by the first petitioner along with the second and third petitioners; that after consuming liquor, the de facto complainant's father vomited and had severe stomach pain; that he was admitted in hospital and that, he did not respond to the treatment; since he died and hence, a case was registered and after investigation, the CBI has filed a final report for the following offences under Sections 304(ii), 120B, 326, 324, 201, Section 7 (a), 4(1)(i), 4(1-A), 14(A), 4(1)(aaa) of TNP Act Section 7 of the Tamil Nadu Denatured Spirit, Methyl Alcohol and Varnish (French Polish) Rules 1959 and Section 22,25,28, 29(1) and 30 NDPS Act 1985.



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3. The learned counsel for the petitioners sought for permission of this Court to withdraw the petition as far as the first and the second petitioners are concerned and has made an endorsement to that effect. As far as the third petitioner is concerned, he submitted that the petitioner is in custody from 21.06.2024; that some of the co-accused were granted bail by this Court; and that final report has been filed by the CBCID; hence, the petitioner may be granted bail.

4. Mr.K.Srinivasan, learned Special Public Prosecutor for CBI Cases submits that pursuant to the orders of transfer by this Court, the case papers were handed over to the CBI and the CBI has re-registered the cases as RC.5/S/2025, RC.3/2025 and RC.4/S/2025 respectively on 21.01.2025 and that the role played by the accused mentioned in their counter is based on the final report filed by the CBI. The learned Special Public Prosecutor also fairly submitted that a similarly placed accused by name Gautham Chand Jain and Shahul Hameed who were accused in all the three cases, were released on bail in Crl.O.P.Nos.1945, 1946 and 1949 of 2025 on 18.02.2025 and in Crl.O.P.Nos.1200,122, and 1275 of 2025 on 21.02.2025 respectively and the third petitioner is accused in one case.



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5. Heard the learned counsel appearing for the petitioner and the learned Special Public Prosecutor for CBI Cases for the CBI and perused the materials available on record.

6. Considering the submissions made by the learned counsel for the petitioners, this Criminal Original petition is dismissed as withdrawn insofar as the first and the second petitioners are concerned.

7. Further, considering the nature of allegations against the third petitioner, the fact that similarly placed co-accused were granted bail by this Court; that the third accused is a lady and that she is in custody from 21.06.2024 and this Court is inclined to grant bail to the third accused/ petitioner subject to the following conditions.

8. Accordingly, the petitioner/A3 is ordered to be released on bail on his executing 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 learned **Judicial**



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Magistrate, No.1, Kallakurichi District:

[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/A3 shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[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 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 B.N.S.

25.02.2025

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SUNDER MOHAN., J.

vca

To

1. The Judicial Magistrate, No.1, Kallakurichi District
2. The Additional Superintendent of Police,
CBI:STB, Chennai.
(Cr.No.RC3(s) of 2025)
3. The Superintendent,
Women Wing, Central Prison, Vellore District
4. The Public Prosecutor,
High Court of Madras.

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