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Cr1.O.P.Nos.6170 & 6178 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Cr1.O.P.Nos.6170 & 6178 of 2025

Sakthivel

... Petitioner in both OPs

Vs.

The State Rep. by the Inspector of Police
CBCID North Villupuram Police Station now transfer to
The State Rep. by the Inspector of Police
Central Bureau of Investigation, Special CBI-ACB
3rd Floor, Sasthri Bhavan, No.26 Haddows Road
Nungambakkam, Chennai 600 006.

... Respondent in both OPs

Crime No.3 of 2024 & 4 of 2024

PRAYER: Criminal Original Petitions filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.3 of 2024 & 4 of 2024 on the file of the respondent.

For Petitioner : Mr.S.J.Raja Janakiraman

For Respondent : Mr.Leonard Arul Joseph Selvam
Learned Government Advocate (Criminal Side)

COMMON ORDER

The Petitioner is the accused in two cases, which were originally registered by the CBCID in Cr.Nos.3 & 4 of 2024 for the offences under Sections 328, 304(ii) of IPC r/w. Section 4(1)(i) and 4(1-A) of the Tamil Nadu Prohibition Act. The petitioner was arrested on **23.06.2024** in both crime numbers.

2.The case of the prosecution is that due to the consumption of



methyated spirit, which was illegally manufactured by the accused, nearly 70 persons died at Kallakurichi and the respondent had seized the spurious liquor and arrested the accused, who are the reason behind this hooch tragedy.

3.In Cr.No.3 of 2024, the final report was filed on 09.10.2024 alleging the following offences:

“ Sections 304(ii), 120B, 326, 324, 201, r/w 109 Section 7 (a) 4(1)(i) 4(1-A), 14(A), 4(1)(aaa) of TNP Act Section 7 of Tamilnadu Denatured Spirit, Methyl Alcohol and Varnish (French Polish) Rules 1959”.

4.In Cr.No.4 of 2024, the final report was filed on 09.10.2024 alleging the following offences:

“ Sections 304(ii), 120B, 326, 324, 201, r/w 109 Section 7 (a) 4(1)(i) 4(1-A), 14(A), 4(1)(aaa) of TNP Act Section 7 of Tamilnadu Denatured Spirit, Methyl Alcohol and Varnish (French Polish) Rules 1959” .

Thereafter, this Court had transferred the investigation to the respondent herein.

5.The learned counsel appearing for the petitioner submitted that the petitioner is in custody from 23.06.2024 and that some of the co-accused were granted bail by this Court and considering the nature of allegations against him and the fact that the final report has been filed, sought for bail.

6.The Learned counsel appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case. He



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further submitted that the similarly placed accused person were granted bail by this Court in Cr1.OP.Nos. 1200, 1221 & 1275 of 2025 dated 21.02.2025.

7.The above two cases were registered since three persons died due to poisoning in the illicit liquor. The allegations against the petitioner in both the cases as found in the counter in Paragraph No.6 reads as follows:

" 6.That, from the records collected from CB-CID, and investigation conducted by CBI, it is seen that accused petitioner owns Jothi Chips located at Rasapalyam, Panruti. He facilitated the accused Madesh in doing mixed solvent business by providing space to store the barrels, providing his GST number, financing his business. He helped the accused Madesh by introducing the accused Deiveegan. When the accused Madesh transported the first consignment of mixed solvent and second consignment of ethyl alcohol mixed with methyl alcohol to Kallakurichi District, the accused Deiveegan helped him to transfer the contents from barrels to cans and distribute to the prohibition offenders."

8.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Cr1. Side) for the respondent Police and perused the materials available on record including the counter affidavit of the respondent.

9.The similarly placed accused namely Gautham Chand Jain as stated earlier was granted bail by this Court. Hence, considering the nature of allegations against the petitioner, period of custody and the fact that similarly



placed co-accused had granted bail by this Court, this Court is inclined to grant bail on the following conditions:

10. Accordingly, the petitioner is ordered to be released on bail on his executing a separate bond in each crime number for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Chief Judicial Magistrate, Kallakurichi**, and on further conditions that:

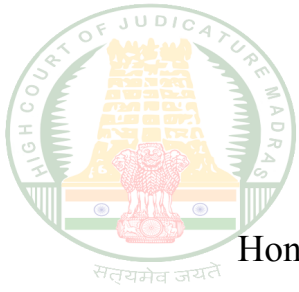
[a] the petitioner shall report before the respondent police daily at 10.30 a.m until further orders;

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

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

[d] 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;

[e] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the



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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 of BNS.

10.03.2025

sai

To

1.The Chief Judicial Magistrate,
Chengalpattu

2.The State Rep. by the Inspector of Police
Central Bureau of Investigation, Special CBI-ACB
3rd Floor, Sasthri Bhavan, No.26 Haddows Road
Nungambakkam, Chennai 600 006.

3.The Superintendent,
Central Prison, Cuddalore.

4.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.
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