



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.Nos.9338 & 9390 of 2025

Thamotharan

...Petitioner/Accused 7
in Crl.O.P.No.9338 of 2025

Kannukutty @ Govindharaj

...Petitioners/Accused 6
in Crl.O.P.No.9390 of 2025

Vs.

State rep by
The Additional Superintendent of Police,
CBI: STB, Chennai.

(Crime No.RC3(S) of 2025)

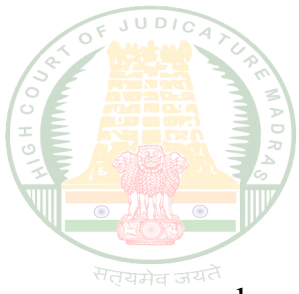
...Respondent in both Crl.O.Ps.

Common Prayer: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.RC3(S) of 2025 pending investigation on the file of the respondent police.

(In both Crl.O.Ps.)

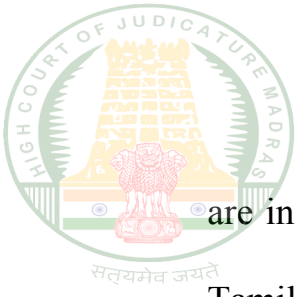
For Petitioner : Mr.R.Prabudoss

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

**COMMON ORDER**

These Criminal Original Petitions have been filed by the petitioners, who were arrested and remanded to judicial custody on 21.06.2024, seeking bail in Crime No.RC3(S) of 2025 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.

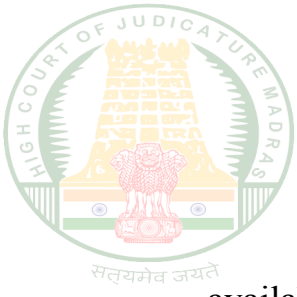
2.The case of the prosecution is that the defacto complainant's father is a cattle broker; that he had consumed liquor on 18.06.2024, which was sold by the petitioners along with the other accused; that after consuming liquor, the defacto complainant's father vomited and had severe stomach pain; that he was admitted in hospital and that, he did not respond to the treatment; since he died, 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 submitted that the petitioners are in custody from 21.06.2024; the petitioners were earlier detained under Tamil Nadu Act 14 of 1982 and thereafter, the said detention orders were quashed by this Court in HCP.No.2550 and 2583 of 2024 on 06.01.2025; and that some of the co-accused were granted bail by this Court in Crl.O.P.Nos.1200, 1221 and 1275 of 2025 on 21.02.2025 and Crl.O.P.No.4630 of 2025 on 25.02.2025; 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 case as RC.3/S/2025 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 objected for the grant of bail stating that the petitioners are notorious criminals and habitual offenders; that they are responsible for the mixing of the illicit arrack with the poison which caused the tragedy. He further submitted that investigation is still pending pursuant to the transfer of cases.



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5.Heard the learned counsel on either side and perused the materials available on record including the counter affidavit.

6.Though the allegations against the petitioners are serious in nature, considering the fact that most of the co-accused were granted bail by this Court, the fact that the petitioners are in custody from 21.06.2024, this Court is of the view that further custody of the petitioners is not required. Hence, this Court is inclined to grant bail to the petitioners with certain conditions:

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **Chief Judicial Magistrate, Chengalpattu District** and further conditions 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;



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[b] the petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

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

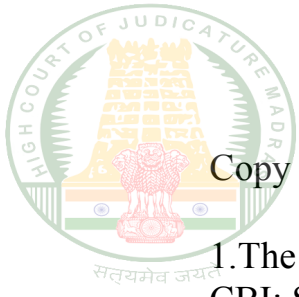
[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[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 petitioners 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.

22.04.2025

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Copy to:

1.The Additional Superintendent of Police,
CBI: STB, Chennai.

2.The Chief Judicial Magistrate, Chengalpattu District.

3.The Superintendent of Prison, Central Prison, Cuddalore District.

4.The Superintendent of Prison, Central Prison for Women, Salem.

5.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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