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Crl.O.P.No.13538 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.05.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.13538 of 2025

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... Petitioner

Vs.

State rep. by
The Inspector of Police
Kallakurichi Police Station
Crime No. 420 of 2024

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in connection with Crime No.420 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.Kathirudayan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.04.2025, for the offence punishable under Sections 174 of Cr.P.C @ 304 (ii) of IPC, 4(1-i), 4(1-A) of TNP Act, Section 7 of Tamil Nadu denatured Spirit



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methy alcohol and Varnish (fresh polish) Rules, 1959, in connection with Crime No.420 of 2024, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner was involved in the Kallakurichi Hooch tragedy, which resulted in the deaths of 69 persons due to the consumption of illicit arrack suspected to be spurious in nature. Hence, the case.

3. It is the contention of the learned counsel for the petitioner that the petitioner has been arrayed as A10 in this case though he was not a named accused in this case. Based on the confession of the co-accused, the petitioner has been arrested on 17.04.2025. Earlier, the petitioner in connected case was arrested on 21.06.2024 and he had been granted bail in those cases. In the present case, the allegation is that the petitioner/A10 had permitted A8 to mix and transfer methanol into 17 cans. It is his contention that the petitioner had no knowledge of alleged activity and it is an open field that has been used by some miscreants without his knowledge. The learned counsel for the petitioner submitted that the petitioner is suffering incarceration from 17.04.2025 and he is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.



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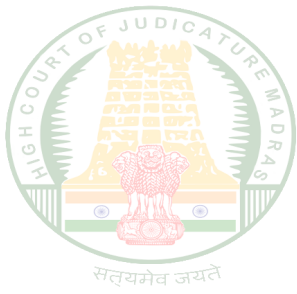
4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioner/A10, reiterated the prosecution case and submitted that the petitioner was arrested on 17.04.2025 .

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

6. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned **Judicial Magistrate, Kallakurichi**, and on further conditions that:

[a] the sureties shall affix their photographs and Left



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Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for further interrogation;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

14.05.2025

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The Judicial Magistrate
Kallakurichi.
2. The Inspector of Police
Kallakurichi Police Station
3. The Superintendent,
Sub-Jail, Kallakurichi.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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