



Crl.O.P.Nos.859, 861 and 863 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 24.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

Crl.R.C.Nos.859, 861 and 863 of 2025

Nadupaiyan @ Joseph

...Petitioner in
all the Crl.R.Cs.

-Vs-

SHO,
CBI/STB, Chennai.

... Respondent in
all the Crl.R.Cs.

Common Prayer: Criminal Revision Cases filed under Section 438 (1) read with 442 BNSS, to modify the condition of the production of official surety – 1 (Tamil Nadu State Government Employee) which is imposed on this petitioner in Crl.M.P.Nos.746 of 2025, 747 of 2025 and 748 of 2025 dated 19.03.2025 by the Chief Judicial Magistrate, Chengulpattu and pass such further or other orders.

In all the Crl.R.Cs:-

For the petitioner : Mrs.M.B.Anjumanra Begum

For the respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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COMMON ORDER

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These Criminal Revision Cases are filed against the orders passed in the miscellaneous petitions filed for statutory bail under Section 187 (3) of BNSS.

2. The petitioner is an accused in these three cases registered in connection with the hooch tragedy that occurred in Kallakurichi town. He remains in custody as of now. When he applied for statutory bail, it was granted by the Trial Court. Furthermore, the Condition No.1 imposed in all these cases is the same, which is as follows:-

“1.The petitioner shall execute a bond for a sum of Rs.1,00,000/- also with two sureties of which one surety must be a Blood relative of petitioner and official surety – 1 (Tamil Nadu State Government Employee) for like a sum.”

3. The learned counsel submits that the petitioner/accused is willing to execute a bond for Rs.1 Lakh and provide one surety, who is a blood relative of the petitioner. However, the second surety was directed to be a Tamil Nadu State Government employee, also worth Rs.1 Lakh. The petitioner does not know any government servant, and as a result, despite the bail order being passed on 19.03.2025, the accused remains incarcerated. Unless this condition is modified, the petitioner would face serious prejudice.



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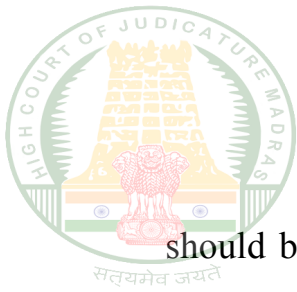
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4. *Per contra*, the learned Special Public Prosecutor appearing on behalf of the respondent would submit that, since the petitioner is involved in several cases involving the death of multiple persons, the stringent condition is imposed by the Trial Court to ensure his presence for the trial. Even if the condition is modified, it should be modified to such an extent that it guarantees the presence of the accused to face the cases.

5. I have considered the rival submissions from both sides and reviewed the case's material records.

6. Considering that the petitioner does not know any government employee to stand as a surety for him, and it is natural for any government servant not to stand as a surety for a person involved in a hooch tragedy, and further, considering that despite the order passed on 19.03.2025, the petitioner is still in custody, I am of the view that continuing with the said condition would be onerous for the petitioner and therefore, it can be modified.

7. Since the order is passed in all three cases, I believe that the condition requiring the second surety to be a Tamilnadu State Government employee



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should be modified and the entire condition No. 1 in all the three orders shall

stand modified as follows:

"1. The petitioner shall execute a bond for a sum of Rs. 1,00,000/- along with two sureties, of which one surety must be a blood relative of the petitioner. The second surety shall be any person worth Rs.1 lakh in each case, totaling Rs.3 lakhs. To prove this, the original title documents of any immovable property worth about Rs. 3 lakhs or more shall be deposited before the Trial Court. One set of sureties can be common for all three cases."

8. The condition shall stand modified in all these three cases as above.

The other conditions imposed by the Trial Court shall remain intact.

9. The Criminal Revision Cases are ordered accordingly.

Jer

Neutral Citation : Yes/No

24.06.2025



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To

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1.The Chief Judicial Magistrate
Chengalpattu.

2.The Superintendent
Central Prison, Cuddalore.

3.The SHO,
CBI/STB, Chennai.

4.The Public Prosecutor
High Court of Madras.



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2025**

**D.BHARATHA
CHAKRAVARTHY, J.**

Today, these matters are listed under the caption 'for being mentioned'.

2. It is noted in the copy of the order, dated 24.06.2025, that the name of the learned Counsel for the respondent is wrongly typed as 'Mr.A.Gokulakrishnan, Additional Public Prosecutor', instead of 'Mr.K.Srinivasan, Special Public Prosecutor'.

3. Therefore, Registry is directed to correct the name of the learned Counsel for the respondent as 'Mr.K.Srinivasan, Special Public Prosecutor' and issue fresh order copy.

26.06.2025

grs



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4. *Per contra*, the learned Special Public Prosecutor appearing on behalf of the respondent would submit that, since the petitioner is involved in several cases involving the death of multiple persons, the stringent condition is imposed by the Trial Court to ensure his presence for the trial. Even if the condition is modified, it should be modified to such an extent that it guarantees the presence of the accused to face the cases.

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7. Since the order is passed in all three cases, I believe that the condition requiring the second surety to be a Tamilnadu State Government employee should be modified and the entire condition No. 1 in all the three orders shall stand modified as follows:

"1. The petitioner shall execute a bond for a sum of Rs. 1,00,000/- along with two sureties, of which one surety must be a blood relative of the petitioner. The second surety shall be any person worth Rs.1 lakh in each case, totaling Rs.3 lakhs. To prove this, the original title documents of any immovable property worth about Rs. 3 lakhs or more shall be deposited before the Trial Court. One set of sureties can be common for all three cases."

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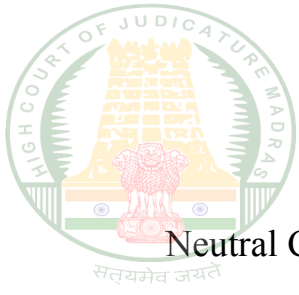
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