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Crl.O.P.No.31132 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-11-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.31132 of 2025

1. Thangavel @ Mani
2. Subramani

... Petitioners/ A1 & A2

Vs

The State rep. by,
The Inspector of Police,
Tiruchengode PEW,
Namakkal District.
(Crime No.261 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioners/accused in
Crime No.261 of 2025 on the file of the respondent police.

For Petitioner(s) : Mr. K. Nagarajan

For Respondent(s) : Mr. A. Gopinath
Government Advocate (Crl. Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 30.08.2025 for the offences punishable under Sections 4(1)(C) and 4(1-A)(ii) of TN Prohibition (Amendment) Act, 2024 in Crime No.261 of 2025, registered on the file of the respondent police, seek bail. The earlier bail application of the petitioners was dismissed by this Court by an order dated 24.09.2025 in Crl.O.P.No.25687 of 2025 on the ground that the petitioners were detained under Tamil Nadu Act 14 of 1982.

2. The case of the prosecution is that on 29.08.2025, based on a secret information, the respondent police went to the spot and found that the petitioners were involved in illegal possession of 8.5 litres of illicit arrack along with 60 liters of fermented wash for the purpose of illegal sale. Hence, this case.

3. The learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated in this case and the petitioners are in judicial custody since 30.08.2025; that the detention of the petitioners under Tamil Nadu Act 14 of 1982 were revoked by order dated 03.11.2025; and that the petitioners are ready to abide by any conditions that may be



imposed by this Court and sought for bail to the petitioners.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the bail to the petitioners reiterated the prosecution case and stated that the detention of the petitioners under Tamil Nadu Act 14 of 1982 were revoked by order dated 03.11.2025; that the petitioners have no previous antecedents; and that the investigation of the case is pending.

5. Considering the facts and circumstances of the case, nature of allegation, the petitioners have no previous antecedents and taking note of the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with **two sureties each**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Tiruchengode** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial



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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 petitioners shall report before the learned Judicial Magistrate, Tiruchengode daily at 10:30 a.m., for a period of two weeks and thereafter, as and when required for interrogation by the respondent police;

[c] 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 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)13 SCC 283];**

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

14.11.2025

stn

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.



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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,
Tiruchengode.
2. The Inspector of Police,
Tiruchengode PEW,
Namakkal District.
(Crime No.261 of 2025)
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.

K. RAJASEKAR, J.

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