



CRL OP(MD). No.512 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.512 of 2025

P.Sakthivel

... Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
PEW-Madurai City Police Station,
Madurai District.
Crime No.860 of 2024.

... Respondent/Complainant

For Petitioner : Mr.V.Vijayendiran

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.860 of 2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 08.01.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant an order of pre-arrest bail.

2. The petitioner/sole accused apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 4(1)(A) and 4(1)(B) of the Tamil Nadu Prohibition (Amendment) Act, 2024 in Crime No.860 of 2024 on the file of the respondent- police.

3. The case of the prosecution is that on 12.08.2024 at about 8:00 hours, when the Special Sub Inspector, along with his team was on patrol duty, they, at the back side of the Muthupatty Drama Stage, found that the petitioner was in possession of 50 liquor bottles, each containing 180 ml for selling them at a higher rate. On seeing the police, the petitioner fled from the scene of occurrence. The liquor bottles, worth about Rs.300/-, have been seized from the place. Hence, the case.

4. Mr.V.Vijayendiran, learned counsel appearing for the petitioner submits that



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this is the fourth pre-arrest bail application; the petitioner has not committed any offence as alleged by the prosecution of the petitioner. He further submits that the respondent Police registered the case only for statistical purpose. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

5. Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing for the respondent Police submits that the petitioner was in illegal possession of 50 liquor bottles, each contains 180 ml, without any valid license or permission. He, further, submits that the petitioner has 12 previous cases in similar nature, out of which, 10 cases were disposed of and 2 cases are pending. He, further, submits that the investigation in this case is pending. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records. This Court has perused the FIR.

7. The petitioner has 12 previous cases, which are in similar nature, out of which 10 cases were disposed of and 2 cases are pending. Considering the same and considering the nature of the offence and taking into account the fact that this is the



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fourth pre-arrest bail application of the petitioner and with a view to give one more opportunity to the petitioner, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

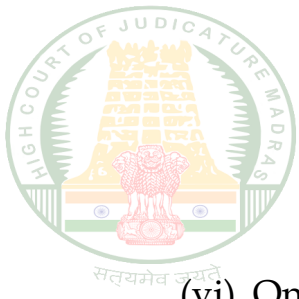
(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.VI, Madurai, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the Judicial Magistrate Court No.VI, Madurai;

(ii) Thereafter, the petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m. and 5.00 p.m., until further orders;

(iii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to The Criminal Rules of Practice, 2019]. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.VI, Madurai.

(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence; and



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(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.VI, Madurai, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon-ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

sd/-
13/02/2025

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/02/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD

TO

1 THE JUDICIAL MAGISTRATE NO.VI
MADURAI

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
PEW-MADURAI CITY POLICE STATION,
MADURAI DISTRICT.



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4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.512 of 2025
Date :13/02/2025

SS/SKN/SAR- /20/02/2025/ 6P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023