



CRL OP(MD). No.2429 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2429 of 2025

Sudalaimuthu,
S/o. Muthusamy,
No. 39/16A, West Street,
Vaithilingapuram,
Udangudi, Tiruchendur Taluk,
Thoothukudi District.

... Petitioner/ Accused No.2

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.
Crime No. 12/2025.

... Respondent/Complainant

For Petitioner : Mr.S.Muthu Malai Raja,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory bail in Crime No.12 of 2025 on the file of the Respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 05.02.2025



CRL OP(MD). No.2429 of 2025

under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-Police for the offence punishable under Section 4(1)(A) of Tamil Nadu Prohibition (Amendment) Act, 2024 in Crime No.12 of 2025 on the file of the respondent-Police.

3. The case of the prosecution is that on 15.01.2025, at about 11.45 a.m., near Maninagar TASMACH shop, the defacto complainant, who is the Inspector of Police, along with his police team, was conducting a vehicle check-up. During the inspection, the police noticed that Accused No.1 was in illegal possession of 16 bottles of liquor (each containing 180 ml). The police team arrested Accused No.1 and seized the liquor bottles from him. Based on the confession of Accused No.2, the petitioner has been arrayed as Accused No.2. Hence, the complaint.

4. Mr.S.Muthu Malai Raja, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence. He further submits that he has been falsely implicated in this case. He further submits that he is ready to abide by any conditions to be imposed by this Court. Therefore, he prays for granting pre-arrest bail to the petitioner.

5. *Per contra*, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-Police, submits that there are no previous cases



CRL OP(MD). No.2429 of 2025

pending against the petitioner and he prays for dismissal of this petition.

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6. The petitioner has permanent residence and deep roots in the society and hence, there is less possibility of absconding. Since the petitioner is the first offender, with a view to give one more opportunity to the petitioner to reform himself in the society, and taking note of the fact that the liquor bottles have already been seized by the respondent police, 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, Sathankulam, Thoothukudi District, within a period of fifteen 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 learned Judicial Magistrate, Sathankulam, Thoothukudi District;

(ii) Thereafter, the petitioner shall appear and sign before the respondent Police weekly twice (i.e., on Monday and Friday) at 10.00., a.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, Sathankulam, Thoothukudi District,



CRL OP(MD). No.2429 of 2025

shall obtain a copy of any one of identity proofs to ensure their identity;

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(iv) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Sathankulam, Thoothukudi District;

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

(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Sathankulam, Thoothukudi District 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].

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

sd/-
07/02/2025

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/02/2025

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

TSG
TO

1 THE JUDICIAL MAGISTRATE,
SATHANKULAM, THOOTHUKUDI DISTRICT.



CRL OP(MD). No.2429 of 2025

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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
THATTARMADAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.2429 of 2025

Date :07/02/2025

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

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