



CRL OP(MD). No.2612 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2612 of 2025

Murugesan,
S/o. Kalimuthu,
Door No. 1/1057,
Kattanur, Orumaniyendal,
Keelauchani,
Devakottai Taluk,
Sivagangai District.

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Represented by the Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
(Crime No. 24 of 2025).

... Respondent/ Complainant

For Petitioner : Mr.A.Muralikumar,
Advocate.

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



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WEB COPY PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 24 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 07.02.2025 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 the Tamil Nadu Prohibition (Amendment) Act, 2024 in Crime No.24 of 2025 on the file of the respondent-Police.

3. The case of the prosecution is that on 25.01.2025, at about 07.45 a.m., near Ponnaikarai Kanmoi, the defacto complainant, who is the Inspector of Police, along with his police team, was conducting an inspection. During the inspection, the police noticed that the petitioner (Accused No.1) and Accused No.2 were in illegal possession of 26 bottles of liquor (each containing 180 ml). On seeing the Police, the petitioner fled from the spot and the police team arrested Accused No.2 and seized



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liquor bottles from him. Based on the confession of Accused No.2, the petitioner has been arrayed as Accused No.1 in this case. Hence, the complaint.

4. Mr.A.Muralikumar, 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 however 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.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-Police, submits that there is one previous case pending against the petitioner and the same is not in similar nature. However, he prays for dismissal of this petition.

6. The petitioner has permanent residence and deep roots in the society and hence, there is less possibility of absconding. Considering the above facts and also considering the fact that the petitioner has one previous case, which is also not in similar nature and 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



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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, Devakottai, 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.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand Only) to the satisfaction of the learned Judicial Magistrate, Devakottai;

(ii) Thereafter, the petitioner shall appear and sign before the respondent-Police daily 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, Devakottai, 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, Devakottai;

(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



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Magistrate, Devakottai 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/-
12/02/2025

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

TSG

TO

- 1.THE JUDICIAL MAGISTRATE, DEVAKOTTAI,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
- 3.THE INSPECTOR OF POLICE,
DEVAKOTTAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER

IN

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Date :12/02/2025

RK/SKN/ SAR-2 (19/02/2025) 6P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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