



CRL OP(MD). No.2602 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Irulappan @ Irulappasamy

... Petitioner/ A2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
Crime No.69/2025.

... Respondent/Complainant

For Petitioner : Mr. M.Prabu,
Advocate.

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.69/2025 on the file of the respondent Police.



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 07.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / accused No.2 apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(A) TNP (Amendment) Act, 2024 and 4(1)(i) of Tamil Nadu Prohibition Act in Crime No.69 of 2025 on the file of the respondent police.

3. The case for the prosecution is that based on secret information, on 26.01.2025 (Republic Day), at about 05:30 p.m., when the defacto complainant, the Sub-Inspector of Police, along with his team, was on patrol duty near the Ration Shop at Manthithoppu, they found that the accused persons were in illegal possession of liquor bottles, each containing 180 ml, for selling. On seeing the police, the petitioner (A2) fled from the scene. A1 was arrested, and the liquor bottles along with a sum of Rs.1,000/-, which was earned from selling the liquor bottles, were seized. Based on the confession, the petitioner (A2) was named as an accused in this case. Hence, the case.



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4. Mr.M.Prabu, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioner. Hence, he prays for grant of pre-anticipatory bail to the petitioner.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are eight previous cases pending against the petitioner, out of which five cases resulted in convicted and two cases are still pending. Hence, he prays to dismiss this Criminal Original Petition.

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

7. Considering the nature of offence allegedly committed by the petitioner and considering the fact that the petitioner has permanent residence and has deep roots in the society and therefore, there is less possibility of absconding and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:



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(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.II, Kovilpatti, within a period of 15 days from 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 said Magistrate.

(ii) 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.

(iii) Thereafter, the petitioner shall appear before the respondent- police daily at 10.30 am and 5.00 pm until further orders.

(iv) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

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

(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate 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



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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/-

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/02/2025

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

TRP

TO

1 THE JUDICIAL MAGISTRATE NO.II
KOVILPATTI.

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

3 THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.2602 of 2025

Date :14/02/2025

SS/SKN/SAR- /25/02/2025/ 5P/5C

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