



CRL OP(MD). No.3133 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 19/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3133 of 2025

Chithanathan @ Sithanathan

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu,  
Rep. by the Inspector of Police,  
Devakottai Taluk Police Station,  
Sivagangai District.  
Crime No. 46/2025.

... Respondent/Complainant

For Petitioner : Mr.N.Ratheesh Ram

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. 46 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 17.02.2025 under

<https://www.mhc.tn.gov.in/judis>



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Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant an order of pre-arrest bail.

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2. The petitioner/Accused No.1 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.46 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that based on the secret information, on 11.02.2025, at about 7:00 a.m., when the defacto complainant, along with his team, was conducting regular vehicle check-up at Devakottai Taluk, they found that the petitioner/Accused No.1 and other two accused persons/Accused Nos.2 and 3 were in illegal possession of 29 liquor bottles, each containing 180 ml. On seeing the police, the petitioner fled away from the place of occurrence. The police arrested A2 and A3. Based on the confession given by the Accused Nos.2 and 3, the petitioner has been arrayed as A1 in this case. Hence, this case.

4. Mr.N.Ratheesh Ram, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and he has not committed any



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offence as alleged by the prosecution. He further submits that the petitioner has no previous case and the petitioner has been falsely implicated in this case. Hence, he prays for grant 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 and other accused persons illegally possessed 29 bottles of liquor each containing 180 ml. Hence, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence and hence, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case and the petitioner is a first offender and the liquor bottles were seized by the respondent-police, and with a view to give one more opportunity to the petitioner to reform himself, 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, Sivagangai, 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.10,000/- (Rupees Ten Thousand only) along with



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two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand Only) to the

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satisfaction of the learned Judicial Magistrate, Devakottai, Sivagangai;

(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, Sivagangai, 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, Sivagangai;

(v) The petitioner shall make himself available for interrogation by a police officer as and when required;

(vi) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(vii) The petitioner shall not leave India without previous permission of the Court;

(viii) 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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(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Devakottai, Sivagangai, 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/-  
19/02/2025

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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  
DEVAKOTTAI SIVAGANGAI

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

3 THE INSPECTOR OF POLICE,  
DEVAKOTTAI TALUK POLICE STATION,  
SIVAGANGAI DISTRICT.



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

ORDER  
IN  
CRL OP(MD) No.3133 of 2025  
Date :19/02/2025

SS/SKN/SAR- /28/02/2025/ 6P/5C

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