



CRL OP(MD). No.3119 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.3119 of 2025

Ponpandi @ Ravi

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Thazhamuthunagar Police Station,
Thoothukudi District.
Crime No. 71/2025.

... Respondent/ Complainant

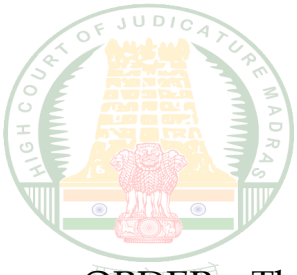
For Petitioner : Mr.S. Vishnuvardhan, Advocate

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.71 of 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 17.02.2025 under Section 482 of 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)(C) and 4(1)(A) of the Tamil Nadu Prohibition (Amendment) Act, 2024 and Section 24 of the Tamil Nadu Prohibition Act in Crime No.71 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that based on the secret information, on 09.02.2025, at about 10.00 hours, the respondent-police was conducting regular vehicle check-up near Bazar Guna Hotel and in front of the Bar, they found the Accused No.1 in a suspicious manner. On enquiry, they found that the Accused No.1, who is working in a TASMAL bar run by the petitioner/A2 and other accused person/A3, was in illegal possession of 40 liquor bottles each containing 180 ml for selling it after the Bar was closed. The police seized the same and the amount of Rs.1,000/- earned by selling 4 liquor bottles. Based on the confession of the Accused No.1, the petitioner has been arrayed as Accused No.2 in this case. Hence, this case.



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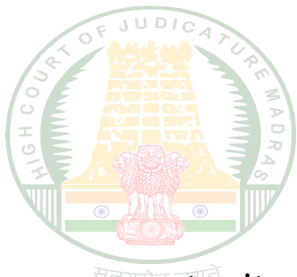
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4. Mr.S.Vishnuvardhan, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that one of the co-accused persons/A3 was granted pre-arrest bail by this Court on 18.02.2025 in Crl.O.P.(MD) No.2980 of 2025. However, 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 Accused No.1 was in illegal possession of 40 liquor bottles each containing 180 ml. Based on his confession, the respondent-police has arrayed the petitioner as A2 in this case. He further submits that if this Court grants pre-arrest bail to this petitioner, he may repeat the same. Hence, he prays to dismiss this Criminal Original Petition.

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

7. One of the co-accused persons i.e., Accused No.3 was already granted pre-arrest bail by this Court. Considering the same and also considering the facts and circumstances of the case and the nature of the offence and with a view to give an



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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 No.II, Thoothukudi, 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 two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand Only) to the satisfaction of the learned Judicial Magistrate No.II, Thoothukudi;

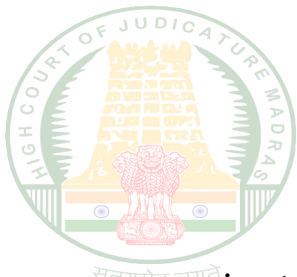
(ii) Thereafter, the petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m., until further orders;

(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 No.II, Thoothukudi, 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.II, Thoothukudi;

(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



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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

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.II, Thoothukudi, 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

(*)Modified as per the order of this Hon'ble Court in CRL OP(MD)No.3119 of 2025 dated 04/03/2025.

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/03/2025

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

apd

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TO BE SUBSTITUTED WITH THE ORDER DATED 19/02/2025 ALREADY DESPATCHED

1 THE JUDICIAL MAGISTRATE NO.II, THOOTHUKUDI,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

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

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

+1CC to M/S.S.VISHNUVARDHAN, Advocate in SR.No.2360(I) DATED 04/03/2025

ORDER

IN

CRL OP(MD) No.3119 of 2025

Date :19/02/2025

RK/SKN (27/02/2025) 6P / 5C

APD

SS/SKN/SAR- (10/03/2025) 6P/6C

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