



CRL OP(MD). No.3470 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Venugopal

... Petitioner/ Accused No.2

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police ,
Peraiyur Police Station,
Madurai District.
Crime No. 27/2025.

... Respondent/ Complainant

For Petitioner : Mr.D.S.Haroon Rasheed
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.27 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 20.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



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to grant an order of pre-arrest bail.

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2. The petitioner / accused No.2 apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 4(1)(C), 4(1)(A) of Tamil Nadu Prohibition (Amendment) Act, 2024 in Crime No. 27 of 2025 on the file of the respondent-police.

3. The case for the prosecution is that on 17.02.2025, when the respondent-Police was on patrol duty near the Silamalaipatti Bus stop, Peraiyur Taluk, they found that the first accused was in illegal possession of 28 liquor bottles, each containing 18 ml. He was arrested. Based on the confession of A1 that he obtained the bottles from the petitioner, the petitioner herein was arrayed as A2. Hence, the case.

4. Mr.D.S. Haroon Rasheed, 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. He further submits that the petitioner is ready to abide by any conditions to be imposed by this Court. 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 three previous cases pending against the petitioner, out of which two cases are related to



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the offences punishable under TNPPDL Act. He further submits that if pre-bail arrest is granted to the petitioner, he will cause threat to the witnesses. 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 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:

(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 District Munsif – cum – Judicial Magistrate, Periyar, Madurai, 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 the learned District Munsif – cum – Judicial Magistrate, Periyar, Madurai.

(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



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Practice, 2019']. The learned District Munsif – cum – Judicial Magistrate, Periyar, Madurai, shall obtain a copy of any one of identity proofs to ensure their identity.

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

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

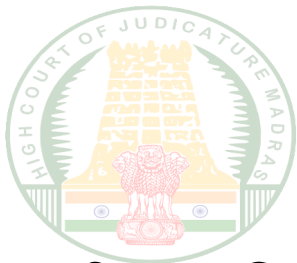
(iv) The petitioner shall furnish his residential address and mobile number to the the learned District Munsif – cum – Judicial Magistrate, Periyar, Madurai.

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

(vi) The petitioner shall not leave India without the previous permission of the Court.

(vii) 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.

(viii) On breach of any of the aforementioned conditions, the learned the learned District Munsif – cum – Judicial Magistrate, Periyar, Madurai, 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



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Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

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

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24/02/2025

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/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, PERAIYUR, MADURAI.

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

3 THE INSPECTOR OF POLICE ,
PERAIYUR POLICE STATION,
MADURAI DISTRICT.

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



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ORDER
IN

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Date :24/02/2025

TRP

MK/SKN/SAR /07.03.2025 6P/5C

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