



CRL.OP(MD) No.3813 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD) No.3813 of 2025

1.Kaliyaperumal

2.Sumathi

... Petitioners / Accused Nos.1 & 2

Vs.

The State of Tamil Nadu rep by  
The Inspector of Police,  
Pandhanallur Police Station,  
Thanjavur District.  
(Crime No.602 of 2024)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioners in Crime No.602 of 2024 on the file of the respondent-police.

For Petitioners : Mr.K.M.Karunakaran,  
Advocate

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



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**ORDER :** The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 26.02.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioners were arrested and remanded to judicial custody on 20.12.2024 for the alleged offences punishable under Sections 4(1)(A) read with 4(1-A)(ii) of the Tamil Nadu Prohibition Amendment Act, in Crime No.602 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 20.12.2024, when the respondent-police was on regular patrol duty at Karuppur Village, the petitioners and another person (A3), upon seeing the police party, attempted to escape. However, the respondent-police apprehended the petitioners (A1 and A2), while A3 fled from the scene. On inquiry, it was found that the accused persons were in illegal possession of 1500 liquor bottles, each containing 180 ml., which they intended to sell at a higher rate. Additionally, the accused persons had mixed drugs in large quantities in the said bottles to sell them at inflated prices. Further inquiry revealed that the liquor bottles



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were purchased from A4 and A5 in Pondicherry for sale in Tamil Nadu. Hence, the case.

4. Mr.K.M.Karunakaran, the learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners have been in judicial custody since 20.12.2024. He further submits that a false case has been foisted against the petitioners. He, however, submits that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Accordingly, he prays to grant bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioners were found in possession of 1500 liquor bottles, each containing 180 ml, purchased from Pondicherry, and attempted to sell the same to the general public by adding drugs in large quantities to the said bottles, which could endanger the lives of the general public. He further submits that the petitioners have been arrayed as A1 and A2. He further submits that A1 has eleven (11) previous cases in which 9 cases are similar in nature and A2 has three (3) previous cases, which are all similar in nature. He further



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submits that if bail is granted to the petitioners, they may commit the similar offences. Therefore, he vehemently opposes to grant bail to the petitioners.

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

7. Considering the previous cases pending against the first petitioner, this Court is not inclined to grant bail to the first petitioner. In such circumstances, the learned counsel appearing for the petitioners seeks permission of this Court to withdraw this petition in respect of the first petitioner is concerned. This Court does grant permission to withdraw the original petition in regard to the first petitioner is concerned.

8. As far as the second petitioner is concerned, the second petitioner was arrested and has been in incarceration since 20.12.2024. Considering the fact that the second petitioner is a woman and also considering the period of incarceration, this Court is inclined to grant bail to the second petitioner, however, subject to the following conditions:

(i) The second petitioner shall execute a bond for Rs.25,000/- (Rupees



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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 learned Judicial Magistrate, Thiruvudaimaruthur.

(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) The second petitioner shall appear and sign before the learned Judicial Magistrate, Thiruvudaimaruthur, on all working days at 10.30 a.m. and 05.30 p.m. until further orders.

(iv) The second petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023.

(v) The second petitioner shall not commit an offence similar to the offence of she is accused, or suspected, of the commission of which she is

suspected.

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(vi) The second 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 or tamper with the evidence.

(vii) The second petitioner shall also not directly or indirectly, cause any threat to the witnesses.

(viii) The second petitioner shall furnish her residential address and mobile number to the learned Judicial Magistrate, Thiruvidadaimaruthur.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court is entitled to pass appropriate orders against the second 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].

9. Accordingly, this Criminal Original Petition is dismissed as not pressed

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insofar as the first petitioner is concerned and is allowed insofar as the second petitioner is concerned subject to the conditions stated supra.

sd/-  
28/02/2025

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28/02/2025  
Sub-Assistant Registrar (PA-I)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

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TO

1.THE JUDICIAL MAGISTRATE, THIRUVIDAIMARUTHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT @ KUMBAKONAM.

3.THE OFFICER-IN-CHARGE, SUB-JAIL, KUMBAKONAM.

4.THE INSPECTOR OF POLICE,  
PANDHANALLUR POLICE STATION, THANJAVUR DISTRICT.

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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate ( SR-2275[I] dated 28/02/2025 )

ORDER  
IN

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Date :28/02/2025

RK (28/02/2025) 7P / 7C

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