



CRL.OP(MD).No.4648 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.4648 of 2025

K.Mariappan

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Kalugumalai Police Station,
Thoothukudi District.
(Crime No.69 of 2025)

... Respondent / Complainant

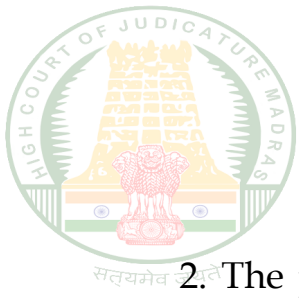
PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioner in Crime No.69 of 2025 on the file of the respondent-police.

For Petitioner : Mr.A.S.Vaigunth,
Advocate.

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 11.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



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2. The petitioner apprehends arrest at the hands of the respondent- police for the offence punishable under Sections 4(1)(i) of the Tamilnadu Prohibition Act and 4 (1)(A) of the Tamilnadu Prohibition (Amendment) Act, 2024, in Crime No.69 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that when the Sub-Inspector of Police along with his team, based on the secret information, was on patrol duty near a petty shop, they found that A1 was selling a brandy bottle to an unknown person. On seeing the police, the accused persons attempted to flee, but A1 was apprehended on the spot. He was found in possession of a yellow-colored plastic bag, which contained 12 bottles (180 ml each) of Old Chef Deluxe brandy, 6 bottles of King Louis brandy, 1 sterren strong beer bottle, and a sum of Rs.1,000/-. Based on his confession, the petitioner was implicated as A2. Hence, the case.

4. Mr.A.S.Vaigunth, the learned counsel for the petitioner, submits that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any conditions imposed by this Court and accordingly, he prays for the grant of pre-arrest bail.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner is the bar



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owner. He further submits that there are totally 2 accused persons in this case and the petitioner has been arrayed as A2. He further submits that there are 5 previous cases against the petitioner. He therefore contends that if pre-arrest bail is granted to the petitioner, he may abscond and tamper with the evidence. Therefore, he submits that custodial interrogation of the petitioner is necessary in this case. Accordingly, 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. Hence, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case, the nature of the offence allegedly committed by the petitioner and with a view to give one more opportunity to the petitioner, 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 Judicial Magistrate No.I, Kovilpatti, Thoothukudi District, 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.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 learned Judicial



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Magistrate No.I, Kovilpatti, Thoothukudi District.

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(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 petitioner shall appear and sign before the learned Judicial Magistrate No.I, Kovilpatti, Thoothukudi District daily at 10.00 a.m. on all working days until further orders.

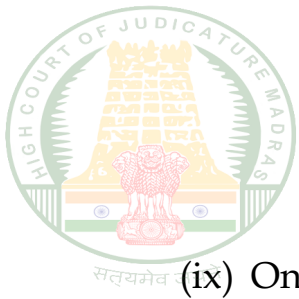
(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(v) 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.

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

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

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



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(ix) 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 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/-
13/03/2025

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

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TO

- 1 THE JUDICIAL MAGISTRATE NO.I
KOVILPATTI, THOOTHUKUDI DISTRICT.
- 2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KALUGUMALAI POLICE STATION,
THOOTHUKUDI DISTRICT.



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

ORDER
IN
CRL OP(MD) No.4648 of 2025
Date :13/03/2025

HPS/SAR / 25.03.2025/6P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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