



CRL OP (MD) No.4905 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.4905 of 2025

Sundarapandi

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
PEW-Thirumangalam Police Station,
Madurai.
Crime No.17 of 2025

... Respondent/Complainant

For Petitioner : Mr.J.Vishnu

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.17 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 14.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.



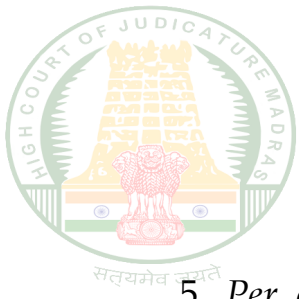
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2. The petitioner/sole accused was arrested and remanded to judicial custody on 19.02.2025 for the alleged offences punishable under Section 4(1)(A) of the Tamil Nadu Prohibition (Amendment) Act, 2024 in Crime No.17 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 19.02.2025, at about 05:00 p.m., when the respondent-police were on patrol near Javuli Park at Vadipatti on the Dindigul-Madurai Highway, they found the petitioner in illegal possession of 29 liquor bottles, each containing 180 ml. The liquor bottles were seized by the respondent-police, and the petitioner was also apprehended. Hence the case.

4. Mr.J.Vishnu, the learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution and that a false case has been foisted against the petitioner. He further submits that the petitioner has been in judicial custody since 19.02.2025. He however submits that the petitioner is ready to abide by any condition that may be imposed by this Court. He therefore prays to grant bail to the petitioner.



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5. *Per contra*, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the petitioner has three previous cases, out of which two are similar in nature, and therefore, if the petitioner is enlarged on bail, he will commit similar offence. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested on 19.02.2025 and has been in judicial custody since then. The alleged liquor bottles have been seized from the petitioner. In view of the nature of the offence allegedly committed by the petitioner, this Court is of the opinion that further custody of the petitioner is not necessary in this case. Further, the petitioner has a permanent residence, and therefore, there is less possibility of absconding. Considering the same, and also considering the period of incarceration, and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand



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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, Thirumangalam, Madurai District;

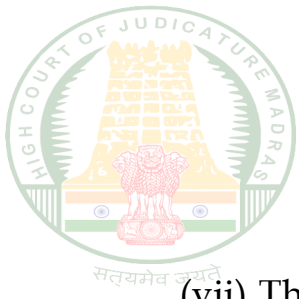
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Thirumangalam, Madurai District shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Thirumangalam, Madurai District;

(iv) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.m., until further orders;

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

(vi) The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;



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(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 or tamper with the evidence;

(viii) The petitioner shall not directly or indirectly cause any threat to the witnesses and the general public; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Thirumangalam, Madurai District 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].

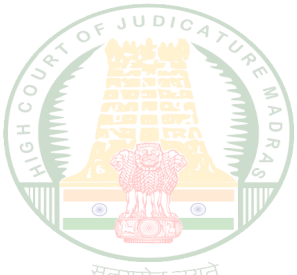
8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

sd/-
18/03/2025

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19/03/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI



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TO

- 1 THE JUDICIAL MAGISTRATE
THIRUMANGALAM, MADURAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
PEW THIRUMANGALAM POLICE STATION,
MADURAI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, THIRUMANGALAM, MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

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Date :18/03/2025

SS/SAR- /19/03/2025/ 6P/6C

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