



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2025

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PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.5692 of 2025

Saravanan

... Petitioner / Accused Rank Not Known

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Pattukotai Prohibition Enforcement Wing,
Thanjavur District.
(Crime No.9 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.9 of 2025 on the file of the respondent police.

For Petitioner : Mr.K.M.Karunakaran,
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 25.03.2025
under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
to grant an order of pre-arrest bail.



2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 4(1)(B) and 4(1)(C) of the Tamilnadu Prohibition (Amendment) Act, 2024, in Crime No.9 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the de facto complainant, who is the Inspector of Police, lodged a complaint with the respondent police against an accused person for running unauthorized bar and selling liquor at higher price. It is alleged that on 20.03.2025, the respondent-police conducted a raid near SR Pattinam TASMACH Shop, Sethubavasathiram, where they found the accused operated illegal bar. Consequently, the respondent-police arrested the accused, who later gave a confession. Furthermore, the liquor bottles were seized. Based on the complaint, a case was registered in Crime No. 09 of 2025.

4. Mr.K.M.Karunakaran, 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. 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 to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest 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 totally two accused persons in this case and the petitioner has been arrayed as A1. He further submits



that A2 was arrested and still in custody. He further submits that the petitioner is the owner of the bar. He further submits that there are two previous cases against the petitioner. He further submits that if pre-arrest bail is granted to the petitioner, he may abscond and tamper with the evidence. He therefore 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 nature of the offence allegedly committed by the petitioner and with a view to give an 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, Peravurani, 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 District Munsif cum Judicial Magistrate, Peravurani.

(ii) The sureties shall affix their photographs and left thumb impression in the

<https://www.mhc.tn.gov.in/judis>

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.

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(iii) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.m. 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.

(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*.

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Sd/-

27.03.2025

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/04/2025

Sub Assistant Registrar
(CS - I/II/III/IV)

Madurai Bench of Madras High Court,
Madurai

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TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, PERURANI.

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

3 THE INSPECTOR OF POLICE,
PATTUKOTTAI PROHIBITION ENFORCEMENT WING,
THANJAVUR DISTRICT.

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

+1. CC to K.M.KARUNAKARAN Advocate SR.No.3642[I] Dated 28/03/2025

ORDER

IN

CRL OP(MD) No.5692 of 2025

Date :27/03/2025

RS(15/04/2025) 5P/ 6C

Madurai Bench of Madras High Court is issuing
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