



CRL.OP(MD).No.6689 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.6689 of 2025

Kannan

... Petitioner / Accused
Rank Not Known

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi,
Thoothukudi District.
(Crime No.181 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.181 of 2025 on the file of the respondent-police.

For Petitioner : Mr.C.Jeganathan,
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 07.04.2025 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 apprehends arrest at the hands of the respondent police for the offence punishable under Sections 4(1)(C) and 24 of the Tamil Nadu Prohibition Act, in Crime No.181 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant and the other members of the police party were on patrol, they received information regarding the illegal sale of liquor near TASMACH Shop No.10147, situated at 5th Street, Sivanthikulam, Thoothukudi. Based on the said information, the patrol team proceeded to the location, where it is alleged that Accused Nos.1 to 4 were found selling liquor to third parties. Upon noticing the presence of the defacto complainant, the accused attempted to flee from the spot. However, the defacto complainant and others apprehended Accused Nos.1 to 4 and seized 30 quarter bottles (180 ml each) of liquor. It is further alleged that, during enquiry, the said accused confessed to having sold the liquor bottles at the instruction of the petitioner, and that the bottles had been purchased from the TASMACH shop after official hours and sold at inflated prices. Hence, the case.

4. Mr.C.Jeganathan, 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 he has been falsely implicated in this case. He further submits



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that the petitioner is the licensee operating a bar attached to a TASMACH shop. On 15.03.2025, certain police personnel unlawfully trespassed into the bar premises, damaged the door, and took a sum of Rs. 25,000 from the cash box, in addition to engaging in other illegal activities. In response, the petitioner lodged a complaint with the higher authorities on 18.03.2025. However, no action was taken. Consequently, the petitioner was constrained to file a writ petition before this Court seeking appropriate action against the erring police officials, and the same was numbered as W.P.(MD) No. 9173 of 2025. Upon learning of the legal action initiated by the petitioner, the police, in an attempt to cover up their misconduct and to harass the petitioner, began to exert pressure on him to withdraw both the writ petition and the complaint. In furtherance of this, the respondent-police have foisted a false case against the petitioner with the only intention of evading legal consequences and intimidating the petitioner. He, however, submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant 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 five accused persons in this case and the petitioner has been arrayed as A5. He further submits that A1 to A4 were arrested and released on bail. He further submits that there are



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six previous cases against the petitioner in similar nature including Section 307 of Indian Penal Code, 1860. He further contends that if pre-arrest bail is granted, the petitioner will commit similar type of offence. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the previous previous cases against the petitioner and the nature of the offence allegedly committed by the petitioner, this Court is of the opinion that if an order of pre-arrest bail is granted to the petitioner, he will commit similar type of offence and therefore, custodial interrogation of the petitioner is absolutely necessary in this case. In view of the same, this Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

17/04/2025

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/ /2025

Sub Assistant Registrar
(CS - I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai.

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To

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- 1.The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C.JEGANATHAN, Advocate (SR-4409[I] dated 21/04/2025)

Order made in
CRL.OP(MD).No.6689 of 2025
17.04.2025

BV (07/05/2025) 5P/ 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.