



CRL.OP(MD). No.7269 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.7269 of 2025

Arockiasamy

... Petitioner / Sole Accused

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Budalur Police Station,
Thanjavur District.
(Crime No.59 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.59 of 2025 on the file of the respondent police.

For Petitioner : Mr.M.Boopathipandiyan,
Advocate

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

ORDER : The Court made the following order :-



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This Criminal Original Petition has been filed by the petitioner on 17.04.2025 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 offence punishable under Sections 4(1)(C) read with 4(1)(A) of the Tamilnadu Prohibition (Amendment) Act, 2024, in Crime No.59 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the respondent-police, along with other personnel, were on patrol duty at the place of occurrence when they noticed the petitioner standing with a bag. Upon seeing the police party, the petitioner fled from the scene. The respondent-police thereafter seized and searched the abandoned bag and found 20 liquor bottles of 180 ml each, belonging to the Black Pearl brand. Hence, the case.

4. Mr.M.Boopathipandiyan, 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 a false case has been foisted against the



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petitioner. 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.

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5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner was found in possession of 20 liquor bottles of 180 ml each, belonging to the Black Pearl brand. He further submits that there are four previous cases pending against the petitioner, of which two are of a similar nature, and the other two pertain to offences under the Protection of Children from Sexual Offences (POCSO) Act. Further he submits that the petitioner possessed liquor for illegal commercial purposes. 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



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of the case, the nature of the offence allegedly committed by the petitioner and also
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considering the fact that liquor bottles have already seized, hence, custodial
interrogation of the petitioner is not necessary 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, Thiruvaiyaru,
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.10,000/- (Rupees Ten Thousand 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, Thiruvaiyaru.

(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



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Magistrate, Thiruvaiyaru on all working days at 10.30 a.m. and 05.30 p.m. until further orders.

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(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



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Magistrate or Trial Court, as the case may be, is entitled to pass appropriate orders
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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/-
22/04/2025

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/05/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL

TO

1.THE JUDICIAL MAGISTRATE,
THIRUVAIYARU.

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

3.THE INSPECTOR OF POLICE,
BUDALUR POLICE STATION,
THANJAVUR DISTRICT.



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

+1 CC to M/s.S.RAMANA, Advocate (SR-4741[I] dated 24/04/2025)

ORDER
IN
CRL OP(MD) No.7269 of 2025
Date :22/04/2025

HPS/29.05.2025 /7P/6C

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