



WEB COPY

CRL OP No. 5307 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 03-03-2026**

CORAM

**THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

**CRL OP No. 5307 of 2026**

Dhilipan

..Petitioner

Vs

State represented by  
Inspector of Police,  
P.E.W Dharmapuri Police Station,  
Dharmapuri. (Crime No.330 of 2025)

..Respondent

**PRAYER :** Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioner on Bail in the event of arrest in the Crime No 330 of 2025 on the file of the respondent police.

For Petitioner: Mr.B.Vetrivel

For Respondent: Mr.P.Dhileepan  
Government Advocate (Crl.Side)

### **ORDER**

The petitioner apprehends arrest for the alleged offence under Section 4(1)(B) of the Tamil Nadu Prohibition (Amendment) Act, 2024 in Crime No.330 of 2025 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, who is running a chilli chicken shop, permitted customers to consume alcohol in his shop, thereby committing an offence under the Prohibition Act; hence the case.



3. The learned counsel appearing for the petitioner submitted that the petitioner is running a chilli chicken shop and he is not a habitual offender.

Even according to the prosecution, it is only alleged that customers consumed alcohol in the shop and no specific overt act is directly attributed to the petitioner. He would further submit that there is no previous case pending against the petitioner. Therefore, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that permitting consumption of alcohol in a business premises amounts to an offence under the Prohibition Act and such acts affect public discipline. Hence, he opposed to grant anticipatory bail to the petitioner.

5. I have given anxious consideration to the submissions made by the learned counsel on either side.

6. Considering the factual position submitted by either side, the petitioner is not a habitual offender and he is only running a chilli chicken shop for his livelihood. Even according to the prosecution, the allegation is that he permitted customers to consume alcohol. Since the petitioner is running a small eatery and the alleged act was committed by customer, responsibility cannot be straight away fixed upon him. Therefore, in order to protect the liberty of the



petitioner in the above peculiar circumstances and considering that there is no previous case against him, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned Judicial Magistrate-I, Dharmapuri**, on condition that **the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only)**, with **two sureties each**, for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioner fails to surrender before the concerned learned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) The sureties shall affix their photographs and left thumb impression in the application for surety ship (Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

(c) **The petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;**



(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]***;

(e) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

**03-03-2026**

NSL

To

1. The Judicial Magistrate- I, Dharmapuri
2. The Inspector of Police,  
P.E.W Dharmapuri Police Station, Dharmapuri.
3. The Public Prosecutor,  
High Court of Madras.



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**C.KUMARAPPAN, J.**

**NSL**

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