



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-05-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL OP No. 13537 of 2026

Kosu @ Vellaiyan
S/o.Sumdaram,
No.878 Colony Main Road,
Thottiyam Village,
Villupuram District-606201.

..Petitioner/
Sole Accused

Vs

The State rep by
The Inspector of police
Chinnasalem Police station,
Kallakurichi District,
Crime No.68 of 2026

..Respondent/
Complainant

PRAYER :- 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 connection the Crime No.68 of 2026 on the file of the respondent.

For Petitioner:

Mr. Balachandran T

For Respondent:

Mr.C.R.Malarvannan,
Additional Public Prosecutor



ORDER

This Criminal Original Petition has been filed by the petitioner on 11.05.2026 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) (C), 4(1)(A) of Tamil Nadu Prohibition (Amendment) Act in Crime No. 68 of 2026 on the file of the respondent-police.

3. The case of the prosecution is that, on 06.03.2026, the petitioner was to be found in an illegal possession of 96 MC Lane brandy bottles (180)ml along with a two wheeler bearing registration No.TN 15 X 36347. Hence, the case.

4. Mr.T.Balachandran, 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 however submits that the petitioner is ready to abide 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.C.R.Malarvannan, the learned Additional Public Prosecutor appearing for the respondent-police reiterates the prosecution case



and upon instructions, submits that no previous cases have been registered against the petitioner. He further submits that the earlier pre arrest bail application in Crl.OP.No. 6779 of 2006 was dismissed by this Hon'ble Court on 17.03.2026 and the investigation of the case is still pending and therefore, at this stage, if the pre-arrest bail is granted to the petitioner, he 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 fact that the petitioner has filed this present pre arrest bail application under Section 482 of BNSS Act 2023, in view of the dismissal order dated 17.03.2026, this Court has perused the said order and it appears that, till date, the respondent police have not secured the petitioner/accused and the accused, which indicates that the custodial interrogation of the petitioner may not be required to the Investigating Agency. The petitioner has no previous criminal antecedents. Considering the same and also considering the facts and circumstances of the case, the nature of the offence and with a view to affording 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:



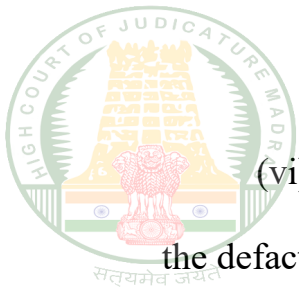
(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the **learned District Munsif cum Judicial Magistrate, Chinnasalem, Kallakurichi District**, within a period of 15 days from the date on which the order copy is made ready, on executing 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 District Munsif cum Judicial Magistrate, Chinnasalem, Kallakurichi 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 District Munsif cum Judicial Magistrate, Chinnasalem, Kallakurichi District** shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent police weekly twice i.e., on Monday and Friday 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 prior 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 **District Munsif cum Judicial Magistrate, Chinnasalem, Kallakurichi District** or Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by them 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*.

22-05-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

JRS/MTL



WEB COPY

CRL OP No. 13537 of 2



R.SAKTHIVEL J.

JRS/MTL

Note:-

- 1.Registry is directed to forthwith upload this order in the official website of this Court.**
- 2.All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**

To

- 1.The District Munsif cum Judicial Magistrate,
Chinnasalem, Kallakurichi District.
- 2.The Inspector of Police,
Chinnasalem Police station,
Kallakurichi District
- 3.The Public Prosecutor, High Court, Madras.

CRL OP No. 13537 of 2026

22-05-2026