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CRL OP No. 13642 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-05-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL OP No. 13642 of 2026

Nesan
S/o. Navaneethan,
No.14/A, 2nd Street,
Ex Serviceman
Colony,Adambakkam,Kancheepuram District.

..Petitioner/Accused
Rank not known

Vs

State rep by
The Inspector of Police,
Velacherry Police Station,
Tirupattur District
(Crime No.184 of 2026)

..Respondent/
Complainant

Prayer: Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in Crime No.184 of 2026 on the file of the respondent.

For Petitioner:

Mr. R Parthiban

For Respondent:

Mr. A. Amarnath
Counsel for Government of Tamil Nadu
(Criminal side)



ORDER

WEB COPY This Criminal Original Petition has been filed by the petitioner on 19.05.2026 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail to the petitioner.

2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 4(1)(i), 4(1-A) & 24(1) of the Tamil Nadu Prohibition Act, in Crime No.184 of 2026 on the file of the respondent-police.

3. The case of the prosecution is that, while the respondent police were on patrol rounds on 22.04.2026, the petitioner along with other accused was found to have illegally possessed 429 beer bottles. Hence, the case.

4. Mr. R Parthiban, 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 that based on the confession statement of the co-accused he has been roped in this case. He, however, submits that the petitioner is ready to abide any conditions to be imposed by this Court. Accordingly, he prays to to grant an order of pre-arrest bail to the petitioner.

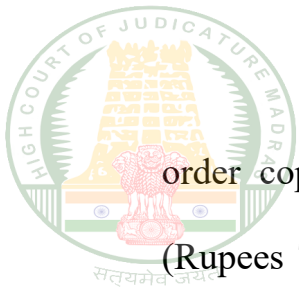


5. *Per contra*, Mr. A. Amarnath, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the accused person was found in possession of 429 beer bottles. He further submits that there is no previous case against the petitioner. He further submits that if pre-arrest bail is granted to the petitioner, he will 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. Considering the fact that the contra band has already been seized by the respondent-police, this Court is of the view that the custodial interrogation of the petitioner is not necessary. Further, the petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case, the nature of the offence and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, Anticipatory 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 **XVIII Metropolitan Magistrate, Saidapet**, 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 **XVIII Metropolitan Magistrate, Saidapet,**

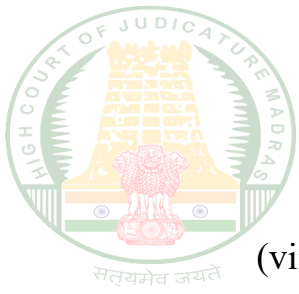
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned **XVIII Metropolitan Magistrate, Saidapet,** shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) **The petitioner shall appear and sign before the respondent police 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 them 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 **XVIII Metropolitan Magistrate, Saidapet,**

(ix) On breach of any of the aforementioned conditions, the learned **XVIII Metropolitan Magistrate, Saidapet** or Trial Judge, 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 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

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Note:

1. Registry is directed to forthwith upload this order on the Official Website of this Court.

2. All concerned to act on this order being uploaded on Official Website of this Court without insisting on certified hard copies. To be noted, this order, when uploaded on the official website of this Court, will be watermarked and will also have a QR code.

To

1. The XVIII Metropolitan Magistrate, Saidapet.

2. The Inspector of Police,
Velacherry Police Station,
Tirupattur District
(Crime No.184 of 2026)

3. The Public Prosecutor, High Court, Madras



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R.SAKTHIVEL J.

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