



CRL OP(MD). No.4858 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05.03.2026

PRESENT

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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Sundar @ Sunder Raj

... Petitioner / Accused No.2

Versus

The State of Tamilnadu,
Rep by the Inspector of Police,
PEW-Thuckalay Police Station,
Kanniyakumari District.
(Crime No.303 of 2018)

... Respondent / Complainant

PRAYER :-Criminal Original Petition filed under Section 482 of the BNSS, 2023, to enlarge the petitioner on bail in the event of arrest in Crime No.303 of 2018 on the file of the respondent police or on his appearance.

For Petitioner : Mr.N.Pragalathan

For Respondent : Mr.P.Kottaichamy,
Government Advocate
(Criminal Side)



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ORDER : The Court made the following order :-

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The petitioner/accused, who apprehends arrest at the hands of the respondent police in Crime No.303 of 2018 for the offences punishable under Sections 328, 420, 468 and 471 of the IPC, Sections 4(1)(a) and 4(1-A) of the Tamil Nadu Prohibition Act, and Rules 5, 6, 7 and 11 of the Tamil Nadu Rectified Spirit Rules, 2000, seeks anticipatory bail.

2. The case of the prosecution is that on 02.05.2018, at about 06.00 a.m., the respondent police, along with the team, conducted a search at a pig farm shed belonging to A1. During the inspection, they seized several items, including white spirit, coloured spirit and other liquor bottles. On seeing the police party, A1 and the petitioner fled from the place of occurrence, while A3 was arrested on the spot. Hence, the respondent police registered a case against the accused persons for the above offences.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. He further submitted that the petitioner had



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earlier been arrested in the case and thereafter left India, on account of which a Non-Bailable Warrant came to be issued against him. He also submitted that the petitioner is now ready to appear before the Court and cooperate with the trial. Accordingly, he prayed for the grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that a Non-Bailable Warrant has been pending against the petitioner from 21.06.2024 onwards. He therefore objected to the grant of anticipatory bail to the petitioner.

5. This Court heard the learned counsel on either side and perused the materials placed on record.

6. Taking into consideration the facts and circumstances of the case and also the undertaking given by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.



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7. Accordingly, this petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order made ready, before the learned Sub-Court, Padmanapabhuram, Kanniyakumari District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to deposit a sum of Rs. 5,000/- (Rupees Five Thousand only) to the credit of the Secretary, Tamil Nadu Police Benevolent Fund, State Bank of India, Triplicane Branch, Chennai (Account No:-10232923204, IFSC Code:-SBIN0000249, without prejudice to his rights and contentions before the trial Court. Only upon deposit, the learned Magistrate shall accept the sureties;



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(c) the petitioner shall report before the learned Trial Court on all working days at 10.30 a.m. till the disposal of the trial;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

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

(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

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- 1.The Sub-Court, Padmanapabhuram,
Kanniyakumari District.
- 2.The Inspector of Police,
PEW-Thuckalay Police Station,
Kanniyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN,J.

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ORDER
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