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Crl.O.P.No.26501 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.26501 of 2022

1. Paramu @ Parameshwari

2. Indra @ Indira

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
N4, Fishing Harbour Police Station,
Chennai.

(Crime No.231 of 2022)

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in Crime No.231 of 2022 pending
on the file of the respondent.

For Petitioners : Mr.S.Sathish Rajan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 05.10.2022, for the offences punishable under Section 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.231 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 05.10.2022 when the respondent police and his team were on routine patrol duty, the petitioners were found in illegal possession of 25 bottles of Honeyday Tasmac Brandy, each containing 180ml. Hence the case.

3. The contention of the learned counsel appearing for the petitioners is that the petitioners have been falsely implicated in this case since the petitioners are having several cases as against them. He would further submit that the petitioners are in prison from 05.10.2022. Hence, he seeks for grant of bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that this is the second bail application before this Court and in this case, the petitioners were found in illegal possession of 25 bottles of Honeyday Tasmac Brandy, each containing 180ml. He would further submit that as far as the first petitioner is concerned there are 87 previous cases and in respect of the second petitioner there are 14 previous cases. Hence, he opposed for grant of bail to the petitioners.

5. In reply, the learned counsel for the petitioner submitted that as far as the first petitioner is concerned out of 87 previous cases, only 2 previous cases of similar nature are pending and in respect of the second petitioner, no case is pending except for the present case. Therefore, he seeks for grant of bail to the petitioners.

6. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.



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7. Taking into consideration the facts of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **learned XV Metropolitan Magistrate, George Town**, and on further conditions that:

[a] 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 petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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]*;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

08.11.2022

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To

1. The XV Metropolitan Magistrate, George Town.
2. The Inspector of Police,
N4, Fishing Harbour Police Station,
Chennai.
3. The Central Prison (Women),
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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