



WEB COPY



CrI.O.P.No.21519 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.21519 of 2024

1.Sathiya

2.Sandhiya

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
T-15, Kannagi Nagar Police Station,
Chennai.
(Crime No. 238 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioners on bail, pending investigation in Crime No.
238 of 2024 on the file of the respondent Police.

For Petitioners : Mr.P.Veeranarayana

For Respondent : Mr.S.Vinothkumar
Government Advocate (CrI.Side)

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 18.08.2024, for the alleged offence punishable under Sections



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4(1) of TNP Act 2024 r/w 123 of BNS, 2023 in Crime No. 238 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners along with other accused were found in illegal possession of 105 numbers of brandy bottles, each containing 180 ml. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case, since they have got some previous cases. They have not committed any offence as alleged in the FIR. He further submit that the co-accused have been released on bail. He would further submit that the petitioners were arrested and they are in judicial custody for more than 20 days and are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are four accused in this case. He further submit that the petitioners along with other accused were found in



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illegal possession of 105 numbers of brandy bottles, each containing 180 ml.

He further submitted that the petitioners have more than 10 previous cases, similar in nature, pending against them. Hence, he opposed to grant bail to the petitioners.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence, quantity involved and considering the period of incarceration undergone by the petitioners, and considering the fact that the co-accused have also released on bail, and also considering that though the petitioners have more than 10 previous cases, in some of the cases they were acquitted and in other cases, they have been released on bail, and also considering all others factors, I am inclined to grant bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)each, with two sureties, for a like sum to the satisfaction of the Judicial



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Magistrate, Sholinganallur, and on further conditions that:-

[a] the petitioners shall report before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[b] the petitioners shall not commit any offences of similar nature.

[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.

[e] On breach of any of the aforesaid conditions, the learned Judicial 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 absconds, a fresh FIR can be registered under Section 269 BNS.

04.09.2024

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To

- 1.The Judicial Magistrate,
Sholinganallur.
- 2.The Inspector of Police,
T-15, Kannagi Nagar Police Station,
Chennai.
- 3.The Superintendent,
Central Special Prison for Women,
Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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