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Crl.O.P.No.22122 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

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

Crl.O.P.No.22122 of 2024

Sumathi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
PE Wing Gingee Police Station,
Villupuram District.
(Crime No. 816 of 2024).

... Respondent

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

For Petitioner : Mr.R.Balakrishnan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 14.08.2024, for the alleged offence punishable under Sections 4(1)(C),



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4(1)(A), 4(1-A)(ii) of TNP (Amendment) Act, 2024 in Crime No.816 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 90 numbers of brandy bottles, each containing 180 ml. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case, since she has got some previous cases. She has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody for more than 20 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was found in illegal possession of 90 numbers of brandy bottles, each containing 180 ml. He further submitted that the petitioner has 65 previous cases, out of which 35



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cases have been disposed of. Hence, he opposed to grant bail to the petitioner.

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 petitioner, and also considering the fact that though the petitioner has 30 previous cases, in some of the cases she was acquitted and in all other cases, she has been released on bail, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her executing 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 Judicial Magistrate, Gingee, and on further conditions that:-



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[a] the petitioner shall report before the Cuddalore Town Police Station, everyday at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

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

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

09.09.2024

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To

- 1.The Judicial Magistrate,
Gingee.
- 2.The Inspector of Police,
PE Wing Gingee Police Station,
Villupuram District.
- 3.The Superintendent,
Special Prison for Women, Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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