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Crl.O.P.No.23708 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

CORAM

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

Crl.O.P.No.23708 of 2024

Sumathi

... Petitioner

Vs.

The State represented by,
The Station House Officer,
Rishivanthiyam Police Station,
Kallakurichi District.
(Crime No. 243 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No. 243 of 2024 on the
file of the respondent Police.

For Petitioner : M/s.Murali Law Firm

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 01.09.2024, for the alleged offence punishable under Sections 4(1)(A) of



Crl.O.P.No.23708 of 2024

TNP Act r/w 24(1) of COTPA Act, in Crime No. 243 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 14 beer bottles, 20 brandy bottles and banned tobacco products, worth about Rs.2,500/-. Hence the complaint.

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 25 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 14 beer bottles, 20 brandy bottles and banned tobacco products, worth about Rs.2,500/-. without any valid license. He further



Crl.O.P.No.23708 of 2024

submitted that the petitioner has 2 previous cases, similar in nature, pending against her. 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 though the petitioner has 2 previous cases, in all the 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, Thirukovilur, and on further conditions that:-

[a] the petitioner shall report before the Kallakurichi Police Station, everyday at 10.30 a.m., for a period of 30 days.



Crl.O.P.No.23708 of 2024

WEB COPY

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] 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 him from disclosing such facts to the Court or to any police officer;

[d] the Petitioner shall not abscond 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]; and

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

26.09.2024

drl



Crl.O.P.No.23708 of 2024

WEB COPY

To

- 1.The Judicial Magistrate,
Thirukovilur.
- 2.The Station House Officer,
Rishivanthiyam Police Station,
Kallakurichi District.
- 3.The Superintendent,
Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.23708 of 2024

P.DHANABAL, J.

drl

Crl.O.P.No.23708 of 2024

26.09.2024