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Crl.O.P.No.25927 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM

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

Crl.O.P.No.25927 of 2024

1.Jothilingam

2.Kuppammal

... Petitioners

Vs.

State represented by,
The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.
(Crime No. 1079 of 2024).

... Respondent

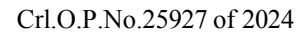
PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioners on bail, in Crime No.1079 of 2024 on the
file of the respondent Police.

For Petitioners : Mr.M.Illiyas

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

ORDER

The petitioner, who was arrested and remanded to judicial custody



2. The case of the prosecution is that the petitioners were found in possession of 6 bottles of Tasmac brandy and also banned tobacco worth about Rs.5,000/- for sale to the public. Hence the complaint.

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 would further submit that the petitioners were arrested and are in judicial custody for more than 15 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



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respondent police submitted that the petitioners were found in illegal possession of 6 bottles of Tasmac brandy and banned tobacco products, worth about Rs.5,000/-, for sale to the public. He further submitted that the first petitioner has no previous case and the second petitioner has 14 previous cases, pending against her. 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 though the second petitioner has 14 previous cases, and all are not similar kind of offence, in all the cases, she has been released on bail, and the first petitioner has no previous case, pending against him, 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



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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 XV Metropolitan Magistrate, George Town Court, Chennai, and on further conditions that:-

[a] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[b] the Petitioners 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 Petitioners 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 Petitioners 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 Petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court



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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.

21.10.2024

drl

To

- 1.The XV Metropolitan Magistrate,
George Town Court, Chennai.
- 2.The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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