



WEB COPY



Crl.O.P.No.2341 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2341 of 2025

Selvaraj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Gangavalli Police Station,
Salem District.
(Crime No.269 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.269 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.B.Vivekanandhan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 26.12.2024, seeking bail in Crime No.269 of 2024 registered for the offence under Sections 4(1)(c), 4(1-A)(ii) of



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TNP (Amendment) Act, 2024.

2. The case of the prosecution is that the petitioner was found to be in illegal possession of 4 Nos. of VSOP Brandy bottles, 4 Nos. of Copper Brandy bottles and 5 Nos. of Black Pearl Brandy bottles (each 180ml). Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is in custody from 26.12.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that the petitioner was found in possession of 13 Nos. of brandy bottles (each 180 ml). He further submitted that though there are fifty three cases against the petitioner, forty seven cases have been disposed of and six cases are pending, including this case.



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5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Considering the nature of allegation, period of incarceration and since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Attur.**

[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 petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of the **"District Legal Services Authority, Salem"**, without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.



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[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[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 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 B.N.S.

05.02.2025

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To

1. The Judicial Magistrate No.II,
Attur.
2. The Inspector of Police,
Gangavalli Police Station,



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Salem District.

3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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