



Crl.O.P.No.2708 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2708 of 2025

1. Elumalai
2. Jacob Paul

... Petitioners/A1 & A2

Vs.

The State represented by,
The Inspector of Police,
PEW Wing Police Station,
Ulundurpet, Kalakurchi District.
(Crime No.2 of 2025). ... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.2 of 2025, pending investigation on the file of the respondent Police.

For Petitioners : Mr.A.N.Rajan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 08.01.2025, seeking bail in Crime No.2 of 2025 registered for the offence under Sections 4(1)(aaa), 4(1)(h), 4(1)(b), 4(1)(i), 4(1)(A), 14A of Prohibition Act and Section 318, 336, 340 and 341 of



2. The case of the prosecution is that the petitioners/A1 & A2, were transporting 2400 brandy bottles without any licence and permit. 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. He also submitted that the petitioners are in custody from 08.01.2025 and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioners, submitted that the petitioners/accused were illegally transporting 2400 brandy bottles. He further submitted that there are no previous cases against the 1st petitioner/A1, whereas, there are three previous cases against the 2nd petitioner/A2.

5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the



materials available on record.

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

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** each with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.1, Ulundurpet**, and on further conditions that:

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

[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;



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[e] On breach of any of the aforesaid conditions, the learned 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 B.N.S.

12.02.2025

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To

1. The Judicial Magistrate No.1,
Ulundurpet.
2. The Inspector of Police,
PEW Wing Police Station,
Ulundurpet,
Kalakurchi District.
3. The Superintendent,
Sub Jail, Ulundurpet.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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