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Crl.O.P.Nos.2843 & 2913 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.Nos.2843 & 2913 of 2025

Santhi ... Petitioner in Crl.O.P.No.2843 of 2025 (A4)

Vijayapraba ... Petitioner in Crl.O.P.No.2913 of 2025 (A1)
Vs.

The State represented by,
The Inspector of Police,
Thiruvannamalai Taluk Police Station,
Thiruvannamalai District.
(Crime No.12 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.12 of 2025, pending investigation on the file of the respondent Police.

For Petitioners : Mr.R.Balakrishnan

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

COMMON ORDER

These Criminal Original Petitions have been filed by the petitioners, who were arrested and remanded to judicial custody on 12.01.2025, seeking bail in Crime No.12 of 2025 registered for the offence under Sections 4(1)(aaa), 4(1-



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A)(ii) TNP Act, 4(1)(A) Amendment Act 2024 and Section 6 and 7 of Tamil Nadu R.S Rules 2000.

2. The case of the prosecution is that the petitioners along with other accused were found to be in illegal possession of 140 litres of ID arrack. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are in custody from 12.01.2025 and since the contraband has been seized, the petitioners may be released on bail.

4. Learned Government Advocate (Crl.Side) submitted that A1 is having 31 previous cases and A2 is having 14 previous cases and in those cases, petitioners are on bail.

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.



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6. Considering, the nature of allegation; petitioners are on bail in other cases; 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 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, Tiruvannamalai**

[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;

[e] On breach of any of the aforesaid conditions, the



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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]***;

[g] 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, Tiruvannamalai
2. The Inspector of Police,
Thiruvannamalai Taluk Police Station,
Thiruvannamalai District.
3. The Superintendent,
Special Prison for Women, Vellore
4. The Superintendent,
Sub Jail, Tiruvannamalai
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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