



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.12273 of 2025

- 1.Arunkumar
- 2.Vishal
- 3.Karthikeyan @ Kutti Karthi
- 4.Udhayakumar

...Petitioners/Accused 1 - 4

Vs.

State rep by
The Inspector of Police,
D-1 Triplicane Police Station,
Chennai.

(Crime No.218 of 2025)

...

Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.218 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.R.Thirugnanam

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



ORDER

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This Criminal Original Petition has been filed by the petitioners, who were arrested on 30.03.2025 and remanded to judicial custody on 31.03.2025, seeking bail in Crime No.218 of 2025 registered for the offence under Section 4(1-A) of TNP Act r/w 123 of BNS, 2023.

2.It is the case of the prosecution that the petitioners were found in illegal possession of 20 bottles of TASMAC liquor. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent; that the contraband has been seized and that the petitioners are in custody from 31.03.2025 and hence, further custody of the petitioners is not required and sought for bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the contraband has been seized and that there are three previous cases pending against the petitioners and they are on bail in those cases.



5.Heard the learned counsel on either side and perused the materials available on record.

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6.Considering the nature of allegations, period of incarceration, the fact that the contraband has been seized, the petitioners are on bail in the previous cases and since further custody of the petitioners 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 separate 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 **II Metropolitan Magistrate Court, Egmore, Chennai**, 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;

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[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 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.

23.04.2025

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Copy to:

1.The Inspector of Police,
D-1 Triplicane Police Station,
Chennai.

2.The II Metropolitan Magistrate Court, Egmore, Chennai.

3.The Superintendent of Prison,
Central Prison, Puzhal, Chennai.

4.The Public Prosecutor,

High Court, Madras.



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Crl.O.P.No.12273 of 2



SUNDER MOHAN, J.

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Crl.O.P.No.12273 of 2025

23.04.2025