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Crl.O.P.No.18784 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.18784 of 2024

R.Nirmalraj

...Petitioner/Accused

Vs.

The State rep by its
The Inspector of Police,
Shevapet Police Station,
Salem City.
(Crime No.166 of 2024)

...Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail in Crime No.166 of 2024 on the file of respondent police.

For Petitioner : Mr.M.Balaji

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.06.2024 for the offence under Section 328 of IPC in Crime No.166 of 2024 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner along with other accused were found in possession of 100 numbers of Tapentadol Tablets. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that A1 and A3 have already been granted bail and the petitioner-A6 has no previous cases. Hence, he prays for grant of bail to the petitioner.

4. Learned Government Advocate submitted that the petitioner along with other accused were found in possession of 100 number of Tapentadol Tablets. He further submitted that there are totally eight accused and the petitioner is arrayed as the 6th accused in this case and he has no previous cases pending against him. He also submitted that co-accused in this case have been released on bail. However, he vehemently objected to grant bail to the petitioner.



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5.I have heard the representation made by the learned counsel on both side.

6. Considering the fact that co-accused in this case have been released on bail and there is no previous case pending against the petitioner and considering the nature of offence, I am 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.10,000/- (Rupees Ten Thousand only)** with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate Court – III, Salem, 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 cards or Bank pass Books to ensure their identity;
- [b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.



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[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 229A IPC.

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To

1.The Judicial Magistrate Court III,
Salem.

2.Central Prison, Salem.

3.The Inspector of Police,
Shevapet Police Station,
Salem City.

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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