



CRL O.P. No.18884 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.18884 of 2024

Marudhamalai S/o. Mannattu

... Petitioner

Vs

The State rep. by-

The Inspector of Police,
Chengam P.E.W Police Station,
Tiruvannamalai District.

... Respondent

For Petitioner : Mr. R. Balakrishnan

For Respondent : Mr. S. Vinoth Kumar
Government Advocate (Criminal side)

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER :-

The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.621 of 2023 on the file of the respondent



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ORDER : The Court made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 05.07.2024 for the offences punishable under sections 8(C), 20(b)(ii)(A) of NDPS Act r/w 328 of IPC r/w 511 of IPC in Crime No.621 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 100 grams Cannabis. Hence the case.

3. The learned counsel appearing for the petitioner would contend that the respondent police registered a case against the petitioner in Crime No.621 of 2023 for the offences punishable under sections 8(C), 20(b)(ii)(A) of NDPS Act r/w 328 of IPC r/w 511 of IPC. The petitioner was arrested on 05.07.2024. He has not committed any offence as alleged in FIR and he has been falsely implicated in this case for statistical purpose. He has been in judicial custody for one month. The earlier bail application filed by the petitioner was dismissed vide order passed by the Principal Sessions Court, Tiruvannamalai. The petitioner



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is having permanent residence. Hence, he prayed bail for the petitioner.

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4.The learned Government Advocate (Criminal Side) appearing for the respondent police would contend that totally there are 3 accused and the accused was found in possession of 100 grams Cannabis and there are 24 previous cases against this petitioner and thereby, he strongly opposed to grant bail to the petitioner.

5.Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the rival submissions on either side and considering the fact that already this Court granted bail to other accused, considering the fact that investigation is completed and also considering the period of incarceration, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten



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Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Chengam and on further conditions that:

[b] the petitioner shall report before the concerned jurisdictional Magistrate ie., Judicial Magistrate, Chengam daily at 10.30 a.m. until further orders.

[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.



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index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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To

- 1.The Judicial Magistrate, Chengam .
- 2.The Superintendent, Central Prison, Vellore.
3. The Additional Public Prosecutor,
Madras High Court,
Chennai.

P.DHANABAL,J

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