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CRL O.P. No.19496 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.19496 of 2024

P.Parameshwaran
S/o.Pandi Rajan

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
J-13, Tharamani Poice Station,
Chennai.
[Cr.No.116 of 2024]

... Respondent

For Petitioner : Mr. S.Anantha Krishnan
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of B.N.S.S, 2023

PRAYER: - The Criminal Original Petition is filed under Section 483 of the BNSS praying to grant bail to the petitioner in Crime No.116 of 2024 on the file of the respondent police.



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.05.2024 for the offence punishable under Section 8(c) and 22 (c) of the Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.116 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the based on the secrete information, the respondent police went to the 5C Bus stand, Tharamani and they found that the accused persons were sold the narcotic pills. Therefore, the petitioner was arrested and remanded to judicial custody on 26.05.2024, for illegal possession of narcotic pills. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent person and based on the confession statement of 1st Accused, this petitioner has been falsely implicated in the case. He further submitted that the petitioner is a student, due to incarceration for the past 73 days, he couldn't able to attend college. There is no previous case as against



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the petitioner and he is no way connected with the said occurrence. He is in judicial custody for more than 73 days. Hence, he seeks bail.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner was arrested and remanded to judicial custody on 26.05.2024 for the illegal possession of 900 Nitrazepan tablets (Narcotic pills) which is commercial quantity. Hence he opposed to grant bail to the petitioner.

5. Heard both side counsels and perused the materials available on record.

6. Considering the representation made on either side and considering the fact that the contrabands were recovered from the 1st Accused and there is no recovery from this petitioner. Further, there is no previous case as against the petitioner and taking into consideration of the period of incarceration, this Court is inclined to grant bail to the petitioner, subject to the following conditions:



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[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 Thousand only) with two sureties each for a like sum to the satisfaction of the learned **Principal Sessions Judge, Special Court for NDPS Act, Chennai** and on further conditions that:

[b] the petitioner shall report before the Principal Sessions Judge, Special Court for NDPS Act, Chennai at 10.30a.m.on every working day, until further orders.

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

[d] the petitioner shall attend in accordance with the conditions of the bond;

[e] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[f] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;



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[g] 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S. 2023.

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index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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P.DHANABAL,J.

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To

- 1.The Principal Sessions Judge,
Special Court for NDPS Act,
Chennai.
- 2.The Inspector of Police,
J-13, Tharamani Poice Station,
Chennai.
[Cr.No.116 of 2024]
- 3.The Central Prison, Puzal.
- 4.The Government Advocate (Crl.Side),
High Court, Madras.

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