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CRL O.P. No.19925 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :19.08.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.19925 of 2024

J.Dev Anandh S/o. Jothi

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
H-1, Washermenpet Police Station,
Chennai.
[Cr. No.288 of 2024]

... Respondent

For Petitioner : Mr. K.M.Mohamedziauddin
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.288 of 2024 on the file of the respondent police.

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 28.06.2024 for the offence punishable under Section 8(c) and 22 (b) of the NDPS Act, 1985, in Crime No.288 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the based on the confession statement of the accused A1 during the course of investigation, the petitioner was arrested and remanded to judicial custody on 28.06.2024, for possession of 5 grams of Methamphetamine, 100 grams of OG kush which is intermediate quantity. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent and a false case has been foisted against him. He would further submit that there is no previous case as against the petitioner and he is no way connected with the said occurrence. He is in judicial custody for more than 45 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



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28.06.2024 for possession of 5 grams of Methamphetamine, 100 grams of OG kush which is intermediate 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 there is no previous case against the petitioner and taking into consideration the quantity of material involved in this case which does not come under the commercial quantity 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 Thousand only) with two sureties each for a like sum to the satisfaction of the learned **Metropolitan Magistrate-XV George Town** and on



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further conditions that:

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[b] the petitioner shall report before the NDPS Court, Chennai, on every working day, 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 269 B.N.S.

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index: Yes/No

Internet: Yes/No

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Speaking/Non Speaking order

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To

- 1.The Metropolitan Magistrate-XV George Town.
- 2.The Inspector of Police,
H-1, Washermenpet Police Station,
Chennai.
- 3.The Central Prison, Puzal.
- 4.The Government Advocate (Crl.Side), High Court, Madras.



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P.DHANABAL,J.

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