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CRL O.P. No.19995 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.19995 of 2024

Saravanan, S/o. Sekar

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
M-6, Manali Police Station,
Redhills.
[Cr. No.294 of 2024]

... Respondent

For Petitioner : Mr.M.Gnanasekar
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

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

PRAYER: - The Criminal Original Petition is filed under Section 483 of the BNSS praying to grant bail to the petitioner in Crime No.294 of 2024 on the file of the respondent police.

ORDER

The petitioner, who was arrested and remanded to judicial custody



CRL O.P. No.19995 of 2024

on 10.06.2024 for the offence punishable under Sections 8(c), 20(b)(ii)(B), 29(1) and 25 of NDPS Act, 1985, in Crime No.294 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was arrested and remanded to judicial custody on 10.06.2024, for illegal possession of 12 Kgs of Ganja. 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 is in judicial custody for more than 62 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 10.06.2024, for illegal possession of 12 Kgs of Ganja. Hence he opposed to grant bail to the petitioner.

5. Heard both side counsels and perused the materials available



CRL O.P. No.19995 of 2024

on record.

WEB COPY

6. Considering the representation made on either side and considering the fact that there is no previous case as against the petitioner and taking into consideration the fact that the quantity of material involved in this case is not commercial quantity and also considering the period of incarceration of the petitioner, 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 **Judicial Magistrate Court, Thiruvotriyur**, and on further conditions that:

[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



CRL O.P. No.19995 of 2024

during investigation or trial.

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[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.

19.08.2024

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

To

- 1.The Judicial Magistrate Court, Thiruvotriyur.
- 2.The Inspector of Police,
M-6, Manali Police Station,
Redhills.
- 3.The Central Prison, Puzhal.

4/6



CRL O.P. No.19995 of 2024

4.The Government Advocate (Crl.Side), High Court, Madras.

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CRL O.P. No.19995 of 2024

P.DHANABAL,J.

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CRL.OP.No.19995 of 2024

19.08.2024