



Crl.O.P.No.21304 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.21304 of 2024

T.Kalitheertha Perumal

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R10, M.g.R. Nagar Police Station,
Chennai – 600 078.
(Crime No. 305 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.305 of 2024, on the file
of the respondent police.

For Petitioner : M/s.G.Rupa

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 05.08.2024, for the alleged offence punishable under Sections 296(b), 132,



Crl.O.P.No.21304 of 2024

351(2), 276, 123 of BNS, in Crime No.305 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 05.08.2024, at about 10.00 a.m., based on secret information, the police conducted a search and found the petitioner along with other accused in possession of 40 Nos of banned Tydol tablets 100 mg and 20 injections loaded with drugs. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody for more than 25 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally five accused in this case and the petitioner herein is arrayed as A1. On the date of alleged occurrence,



Crl.O.P.No.21304 of 2024

based on secret information, the police conducted a search and found the petitioner along with other accused in possession of 40 Nos of banned Tydol tablets 100 mg and 20 injections loaded with drugs and the same was sold to the general public, students and youngsters. He further submitted that based on the confession of the arrested accused/A2 to A4, this petitioner was arrested. He further submitted that the petitioner has no previous cases, pending against him. Hence, he 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 submissions made by the learned counsel on either side, and considering the period of incarceration undergone by the petitioner, and also considering that the petitioner was arrayed as accused based on the confession of co-accused, and also considering the fact that the petitioner has no previous cases pending against him and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



Crl.O.P.No.21304 of 2024

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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 XXIII Metropolitan Magistrate Court, Saidapet, Chennai, and on further conditions that:-

[a] 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.

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

[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 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].



Crl.O.P.No.21304 of 2024

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

02.09.2024

drl

To

- 1.The XXIII Metropolitan Magistrate,
Saidapet, Chennai.
- 2.The Inspector of Police,
R10, M.g.R. Nagar Police Station,
Chennai – 600 078.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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Crl.O.P.No.21304 of 2024

drl

Crl.O.P.No.21304 of 2024

02.09.2024