



CrI.O.P.No.20885 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM

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

CrI.O.P.No.20885 of 2024

1.Vishwa

2.Vikram

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
R-10, MGR Nagar Police Station,
Chennai District.
(Crime No. 305 of 2024).

... Respondent

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

For Petitioners : Mr.P.Muthamizhselvakumar

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

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 05.08.2024, for the alleged offences punishable under Sections



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296(b), 132, 351(2), 276, 123 of BNS, 2023 in Crime No.305 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with other accused persons were found in illegal possession of banned tablets namely Tydol 100 mg (Tapentadol) – 40 Nos., and also 20 injections loaded with drugs along with cash of Rs.600/-. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case, since they have got some previous cases. They have not committed any offence as alleged in the FIR. He further submit that the co-accused was released on bail. He would further submit that the petitioners were arrested and they are in judicial custody for more than 30 days and they are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally five accused in this case and



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the petitioners are arrayed as A3 and A5. He further submitted that based on secret information, the respondent police intercepted the auto bearing Regn.No.TN 05 Q 8311, and during search, the petitioners along with other accused persons were found in illegal possession of banned tablets namely Tydol 100 mg (Tapentadol) – 40 Nos and also 20 injections loaded with drugs along with cash of Rs.600/-. He further submitted that A3 is having one previous case and A5 is having 2 previous cases, similar in nature, pending against them. Hence, he opposed to grant bail to the petitioners.

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

6. Considering the nature of offence and considering the period of incarceration undergone by the petitioners, and considering the fact that the co-accused was released on bail, and also considering that though the petitioners have some previous cases, in all the cases, they have been released on bail, and also considering all others factors, I am inclined to grant bail to the petitioners, subject to certain conditions.



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7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, for a like sum to the satisfaction of the XXIII Metropolitan Magistrate Court, Saidapet, Chennai, and on further conditions that:-

[a] the petitioners shall report before the respondent police, everyday at 10.30 a.m., until further orders.

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

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].



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

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drl

To

- 1.The XXIII Metropolitan Magistrate Court,
Saidapet, Chennai.
- 2.The Inspector of Police,
R-10, MGR Nagar Police Station,
Chennai District.
- 3.The Superintendent,
Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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