



WEB COPY



Crl.O.P.No.21019 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM

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

Crl.O.P.No.21019 of 2024

Ganesan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R-10, MGR Nagar Police Station,
Chennai.
(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 : Mr.P.Muthamizhselvakumar

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 offences punishable under Sections 296(b),
132, 351(2), 276, 123 of BNS, 2023 in Crime No.305 of 2024, on the file of



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the respondent police, seeks bail.

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

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 further submit that the co-accused was released on bail. He would further submit that the petitioner was arrested and is in judicial custody for more than 30 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 A2. He further submit that based on secret information, the respondent police intercepted the auto bearing Regn.No.TN



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05 Q 8311, and during search, the petitioner along with other accused persons were found in illegal possession of banned tablets namely Tydol 100 mg (Tapentadol) – 40 Nos., 20 numbers of injections loaded with drugs along with cash of Rs.600/-. 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 nature of offence, and considering the period of incarceration undergone by the petitioner, and also considering the fact that the petitioner has no previous cases, and also considering that the co-accused was also released on bail, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

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



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

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

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

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

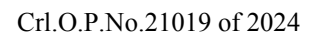
[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[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].

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

05.09.2024

drl



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

P.DHANABAL, J.



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