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Crl.O.P.No.22530 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.22530 of 2024

Sekar @ City Sekar

...Petitioner/Accused

Vs.

State rep. by
The Inspector of Police,
D-2 Annasalai Police Station
(Crime No.116 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail in Crime No. 116 of 2024 on the file of the respondent.

For Petitioner : Mr. U.Yuvaraj

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



Crl.O.P.No.22530 of 2024

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 202.08.2024 for the offences under Sections 8(c), read with 20(b)(ii)(B), 25, 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 and under Sections 296(b), 125, 132 and 351(3) of BNS 2023 and 25(1A) of Arms Act in Crime No.116 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 02.08.2024 at about 4.10 hours, at the junction of Bharathi Salai and Chellapillaiyar Koil Street, the petitioner along with other accused, was found in possession of Ganja without having any valid license or permit. Further they pelted stones on the police and abused them in filthy language. 1.600 kgs of Ganja was seized from the accused Surya, 1.550 kgs from Deva and 1 kg in 36 nos. of small packets were seized from Sekar, along with the sale consideration amount of Rs.1,500/-. Hence, the complaint.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the



Crl.O.P.No.22530 of 2024

prosecution, and he has been falsely implicated in this case and he is a law-abiding citizen and he is ready to furnish substantial sureties for his due release on bail; therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was arrested and remanded to judicial custody on 02.08.2024 for the illegal possession of Ganja for sale and he was caught red-handed by the respondent police at the junction of Bharathi Salai and Chellapillaiyar Koil Street. FIR was registered against this petitioner for illegal possession of ganja and hence he objected to grant bail to the petitioner. He further submitted that the petitioner is having 15 previous cases and strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side and considering the nature of offences and quantity of materials involved in this case are



CrI.O.P.No.22530 of 2024

not in commercial quantity, that the petitioner is having some previous cases, but those cases are not of similar kind of offences and in all the cases, these petitioner was released on bail and also considering the period of incarceration underwent by the petitioner and also the co-accused have already been released on bail, I am inclined to grant bail to the petitioners, subject to the following conditions:

[a]. 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 court of *II Metropolitan Magistrate, Egmore, Chennai* and on further conditions that:

[b] the petitioner shall report before the learned **Principal Special Court under EC and NDPS Act, Chennai, on all working days at 10.30 a.m. until further orders;**

[c] The petitioner shall attend in accordance with the conditions of the bond;



CrI.O.P.No.22530 of 2024

[d] The petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[e] The petitioner shall not abscond either during investigation or trial;

[f] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with evidence;

[g] on breach of any of the aforesaid conditions, the learned 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]; and

P.DHANABAL, J.

vsg

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



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Crl.O.P.No.22530 of 2024

19.09.2024

vsg

To

- 1.The Principal Special Court under EC & NDPS Act
Chennai
- 2.Central Prison-II, Puzha, Chennai.
- 3.The Inspector of Police,
D-2 Annasalai Police Station
- 4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.22530 of 2024