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CRL O.P. No.24488 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.24488 of 2024

1.Jancy

2.Narendhran

... Petitioners / Accused

Vs

State rep. by
The Inspector of Police (L&O),
K-1, Sembium Police Station,
Chennai.

(Crime No.372 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioners on bail in Crime No.372 of 2024 on the file of the respondent police.

For Petitioners : Mr.U.Yuvaraj

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
(Criminal Side)



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ORDER

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The petitioners, who were arrested and remanded to judicial custody on 23.08.2024, for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) and 25 of NDPS Act, in Crime No.372 of 2024, on the file of the respondent seek bail.

2.It is the case of the prosecution that on 22.08.2024 at about 18.45 hours, when the defacto complainant received a secret information with regard to sale of ganja. Based on that information, the respondent along with the subordinates went to the scene of occurrence and found the petitioners in possession of 1.300 kgs of ganja. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the quantity of materials involved in this case are not a commercial quantity. He would further submit that the petitioners have been in custody for more than 38 days. He would also submit that the petitioners are ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) would submit that the petitioners were found in possession of 1.300 kgs of Ganja. He would further submit that there are 18 previous cases against the 1st petitioner and no previous case is pending against the 2nd petitioner. He would further submit that investigation has been completed. However, he vehemently opposed to grant bail to the petitioners.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the nature of offences charged against the petitioners, the quantity of material involved in this case is not a commercial quantity, no previous case is pending against the 2nd petitioner and that though there are 18 previous cases against the 1st petitioner, all are not similar kind of offences and in all the cases, he has been granted bail and also taking into consideration the number of days of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the Petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the



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satisfaction of the **V Metropolitan Magistrate, Egmore, Chennai**, and on further conditions that;

[b] the Petitioners shall report before the V Metropolitan Magistrate, Egmore, Chennai, on all working days at 10.30 a.m., until further orders.

[c] the Petitioners shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioners 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;

[e] the Petitioners shall not abscond either during investigation or trial;

[f] 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

03.10.2024

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To

- 1.The V Metropolitan Magistrate, Egmore, Chennai.
- 2.Special Prison for Women, Puzhal, Chennai.
- 3.Central Prison – II, Puzhal, Chennai.
- 4.The Inspector of Police (L&O),
K-1, Sembium Police Station,
Chennai.
- 5.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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