



CRL O.P. No.24573 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.24573 of 2024

Eswaran @ Esa

... Petitioner / A3

Vs

State rep. by
The Inspector of Police,
H-5, New Washermenpet,
Chennai.
(Crime No.448 of 2022)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in C.C No.13 of 2024 on the file of the Principal Sessions Court under EC & NDPS Court, Chennai.

For Petitioner : Mr.G.Martin Manivannan

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



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ORDER

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The petitioner/A3, who was arrested and remanded to judicial custody on 14.07.2023, for the offences punishable under Sections 8(c) r/w 22(c), 29(i) of NDPS Act, 1985 in Crime No.448 of 2024, on the file of the respondent seeks bail.

2.It is the case of the prosecution that the petitioner along with the other accused were found in illegal possession of 21 MDMA Tablets. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and only based on the confession statement of co-accused, he has been arrayed as accused. He would submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



4.The learned Government Advocate (Crl. Side) would submit that

A1 was found in illegal possession of 21 Nos of MDMA Tables and no recovery was made from this petitioner and only based on the confession statement of co-accused, this petitioner was arrayed as accused in this case. He would further submit that the petitioner is a notorious person and there are five murder cases are pending as against the petitioner. Hence, he vehemently opposed for grant of bail to the petitioner.

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

6. Considering the nature of offence and no contraband was recovered made from this petitioner and he was arrayed as accused only based on the confession statement of co-accused and though the petitioner is having five previous cases of IPC offence, already bail was granted in those cases and no previous case is pending for the similar kind of offence and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:



[a] Accordingly, the Petitioner is ordered to be released on bail on condition to execute 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 **Principal Special Court under EC and NDPS Act, Chennai** and on further conditions that;

[b] the Petitioner shall report before the Principal Special Court under EC and NDPS Act, Salem on all working days at 10.30 a.m., and 5.00 p.m., until further orders;

[c] the Petitioner 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 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;

[e] the Petitioner 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 Petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned



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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.

23.10.2024

smv

To

- 1.The Principal Special Court under EC and NDPS Act, Chennai.
- 2.The Principal Special Court under EC and NDPS Act, Salem.
- 3.The Central Prison, Puzhal, Chennai.
- 4.The Inspector of Police,
H-5, New Washermenpet,
Chennai.
- 5.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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