



Crl.O.P.No.25664 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.25664 of 2024

1. Karan

2. Manikandan

... Petitioners/Accused

Vs.

State, represented by
The Inspector of Police
PEW Redhills Police Station,
Redhills District.
(Crime No.425 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioners on bail in Crime No.425 of 2024 on the file of respondent police.

For Petitioners : Mr.P.Chandrasekar

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



CrI.O.P.No.25664 of 2024

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 02.09.2024 for the offences under Sections 8(c) r/w 20(b)(ii)(B), 29(1) of the NDPS Act in Crime No.425 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, were found in illegal possession of 1.300 grams of Ganja. 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; that they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners have been in judicial custody since 02.09.2024; that they are ready to furnish substantial sureties for their due release on bail and to abide by any conditions that may be imposed by this Court; and therefore, he prayed for the grant of bail to the petitioners.



Crl.O.P.No.25664 of 2024

WEB COPY

4. Learned Government Advocate (Crl.Side) for the respondent police submitted that there are three accused in this case; that the petitioners are arrayed as A1 and A3; that the quantity of contraband involved in this case is 4 kg; that 1.4 kg of ganja was recovered from A1 and 1.2 kg of ganja was recovered from A3; and that each petitioner has twelve previous cases of IPC offences. Hence, he vehemently opposed the grant of bail to the petitioners.

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

6. Considering the representation made by both sides, the nature of the offences, that the quantity of contraband involved in this case is not a commercial quantity, that though each of the petitioners is having twelve IPC cases, in those cases already they were granted bail and no similar kind of cases are pending against the petitioners and considering the incarceration period undergone by the petitioners from 02.09.2024, this Court is inclined to grant bail to the petitioners with certain conditions:



CrI.O.P.No.25664 of 2024

WEB COPY

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, each for a like sum to the satisfaction of the ***Judicial Magistrate II, Ponneri*** and on further conditions that:

[a] the petitioners shall report before the **Principal Special Court under EC and NDPS Act, Chennai – 104**, on all working days at **10.30 a.m.**, until further orders, without fail;

[b] the petitioners shall attend in accordance with the conditions of the bond;

[c] the petitioners shall not commit any offences of similar to the offence of which they are accused, or suspected, or of the commission of which they 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[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



WEB COPY



CrI.O.P.No.25664 of 2024

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 of the B.N.S.

19.10.2024

dk

To

- 1.The Judicial Magistrate II, Ponneri.
- 2.The Central Prison,
Puzhal.
- 3.The Inspector of Police
PEW Redhills Police Station,
Redhills District.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



WEB COPY



Crl.O.P.No.25664 of 2024

dk

Crl.O.P.No.25664 of 2024

19.10.2024