



Crl.O.P.No.25826 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.25826 of 2024

1. Balusamy

2. Bhuvanesh

3.Johny @ Janakiraman

...Petitioners/ A1 to A3

Vs.

The State rep by
Sub Inspector of Police,
J3, Guindy Police Station,
Chennai.

(Crime No.334 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioners on bail in Crime No.334 of 2024 on the file of the respondent police.

For Petitioners : Mr.R.Parthiban

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



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ORDER

The petitioners / A1 to A3, who were arrested and remanded to judicial custody on 13.09.2024 for the offences punishable under Section 8(c), 20(b)(ii)(B), 29(1) of NDPS Act, 1985, in Crime No.334 of 2024 on the file of the respondent police, seek bail.

2. It is the case of the prosecution that the petitioners along with the other accused were found in illegal possession of 1.750 Kgs of Ganja. Hence, the case.

3. Learned counsel for the petitioners submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He further submitted that the petitioners are law-abiding citizens and they are ready to furnish substantial sureties for their due release on bail; therefore, he prays for the grant of bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) would submit that A1 was found in illegal possession of 1.750 Kgs of Ganja and no contraband was recovered from the 2nd and 3rd petitioners / A2 and A3 and based on the confession statement of A1, the 2nd and 3rd petitioners / A2 and A3 were arrayed as accused in this case. He would further submit that there are one previous case against the 1st petitioner / A1 with respect to similar kind of offence and in that case, he had been released on bail and there are no previous cases as against 2nd and 3rd petitioner / A2 and A3. However, he vehemently opposed for grant of bail to the petitioner.

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

6. Considering the submissions made on both sides, the quantity of contraband involved in this case is not a commercial quantity, no recovery was made from the 2nd and 3rd petitioners and they were arrayed as accused only based on the confession statement of A1 and also considering the period of incarceration suffered by the petitioners, though the 1st petitioner / A1 is having one previous, already bail was granted in that case, this Court is inclined to grant bail to the petitioners with certain conditions:



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[a]. 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 learned ***IX Metropolitan Magistrate, Saidapet***, and on further conditions that:

[b] the petitioners shall report before the concerned NDPS Court on all working days at 10.30 a.m., until further orders;

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

[d] The petitioners 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 petitioners shall not abscond either during investigation or trial;

[f] 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 or tamper with evidence;



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

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

19.10.2024

smv

To

1. The IX Metropolitan Magistrate, Saidapet, Chennai.
2. The Central Prison, Puzhal, Chennai.
3. The Sub Inspector of Police,
J3, Guindy Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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