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CRL O.P. No.25997 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.25997 of 2024

Sarath

... Petitioner / A2

Vs

State rep. by
The Inspector of Police,
P-5, MKB Nagar Police Station,
Chennai – 600 039.
(Crime No.670 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 Petitioner on bail in Crime No.670 of 2024 on the file of the respondent police.

For Petitioner : Mr.G.Azhagiri

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



CRL O.P. No.25997 of 2024

ORDER

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The petitioner/A2, who was arrested and remanded to judicial custody on 29.09.2024, for the offences punishable under Sections 8(c), 20(b)(ii)(A) and 29(1) of NDPS Act, 1985 and Section 132 of BNS Act and Section 77 of JJ Act in Crime No.670 of 2024, on the file of the respondent seeks bail.

2.It is the case of the prosecution that the petitioner and other accused were found in illegal possession of 320 grams of Ganja. 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



no contraband was recovered 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 there are two previous cases pending as against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

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

6. Considering the nature of offence, the quantity of contraband involved in this case is not a commercial quantity and no recovery was 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 two previous cases, both the cases are not similar kind of offence and already bail was granted in those cases 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



CRL O.P. No.25997 of 2024

of the X Metropolitan Magistrate, Egmore, Chennai, and on further conditions that;

[b] the Petitioner shall report before the concerned NDPS Court on all working days at 10.30 a.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 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.

21.10.2024

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To

1. X Metropolitan Magistrate, Egmore, Chennai
2. Central Prison, Puzhal Chennai.
3. The Inspector of Police,
P-5, MKB Nagar Police Station,
Chennai – 600 039.
4. The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.

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CRL.OP.No.25997 of 2024

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