



Crl.O.P.No.26221 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.26221 of 2024

Nithish Kumar

...Petitioner

Vs.

The State rep by
Inspector of Police
Velur Police Station,
Namakkal
(Crime No.248 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.248 of 2024 on the file of respondent police.

For Petitioner : Mr.Deepan Uday

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.09.2024 for the offences under Section 123 of BNS in Crime No.248 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were in possession of Tapentadol HCL Tablets- 100 mg. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the petitioner has been in custody since 30.09.2024 ; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; therefore, he prays for the grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) opposes the grant of bail to the petitioner stating that the petitioner along with other accused were in possession of Tapentadol HCL Tablets- 100 mg. He further submitted that there is one previous case pending against the petitioner.

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

6. Considering the representation made on both sides, nature of offence charged against the petitioner, though the petitioner has one previous case, in that case, bail was granted to the petitioner and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 **learned Judicial Magistrate Paramathi, Namakkal District** and on further conditions that:



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[a] the petitioner shall report before the respondent police everyday at 10.30 a.m for a period of 30 days and thereafter as and when required for interrogation.

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

[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 or tamper with the evidence;

[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



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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.

22.10.2024

smn

To

1.The **Judicial Magistrate Paramathi, Namakkal District**

2.The Central Prison,**Salem**

3.Inspector of Police
Velur Police Station,
Namakkal

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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