



CRL O.P. No.26673 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.26673 of 2024

Dhanasekar

... Petitioner / Accused -1

Vs

State rep. by
The Inspector of Police,
Salem Town Police Station,
Salem District.

(Crime No.563 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.563 of 2024 on the file of the respondent police.

For Petitioner : Mr.Swami Subramanian

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



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CRL O.P. No.26673 of 2024

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.10.2024, for the offences punishable under Section 123 of BNS, 2023, in Crime No.563 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the defacto complainant lodged a complaint that on 02.09.2024 at about 11.30 a.m., at Salem Anandha Flyover nearby Corporation Car parking, the petitioner along with the other accused were found in consuming Aspadol 100 mg pills by using water and injecting the same into their hand nerves. After enquiry, it was found that it is the petitioner who sold the drugs to youngsters and ten tablets, pain killers and syringes were recovered. 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. He would further submit that there is no previous case against the petitioner. He would further submit that the petitioner has been in custody from



CRL O.P. No.26673 of 2024

07.10.2024. He would further 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 the petitioner along with the other accused were found in possession of 10 tablets of Aspadol pills and used to sell the same to the public. He would further submit that syringes and tablets were recovered from the petitioner. He would further submit that there is no previous case 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 offences charged against the petitioner and that no previous case is pending against the petitioner and also considering the number of days of incarceration undergone by the petitioner from 07.10.2024, 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/-



CRL O.P. No.26673 of 2024

WEB COPY

(Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **Judicial Magistrate No.I, Salem**, and on further conditions that;

[b] the Petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 30 days.

[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.

25.10.2024

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CRL O.P. No.26673 of 2024

To

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- 1.The Judicial Magistrate No.I, Salem.
- 2.Central Prison, Salem.
- 3.The Inspector of Police,
Salem Town Police Station,
Salem District.
- 4.The Public Prosecutor, High Court, Madras.



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CRL O.P. No.26673 of 2024

P.DHANABAL,J.
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CRL.OP.No.26673 of 2024

25.10.2024