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CrI.O.P.No.27129 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.27129 of 2024

Velavan
S/o.Karthick

...Petitioner

Vs.

The Inspector of Police
R-4, Soundarapandiyanar Angadi Police Station
Chennai
Crime No.145 of 2024

...Respondent

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.145 of 2024 on the file of respondent police.

For Petitioner : Mr.E.Ramanna

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.09.2024 for the offences under Sections 8(c) read with 20(b)(ii)(B), 29(1) of NDPS Act, 123, 296(b), 351(3) read with 3(5) BNS, in Crime No.145 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 13.09.2024, the petitioner and other accused were in possession of 1 kg. 200 grams of Ganja. Hence, this 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 based on the confession of co-accused and that no recovery was effected from the petitioner. He further submitted that the petitioner has been in custody since 13.09.2024; 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 and other accused were in possession of 1 kg. 200 grams of Ganja. He further submitted that the petitioner has got one previous case against him.

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

6.Considering the representation made on both sides and the fact that the quantity of material involved in this case is not a commercial quantity and no contraband has been recovered from the petitioner and though the petitioner has got one previous case, he has been released on bail in that case and also taking into consideration the period of incarceration undergone by the petitioner from 13.09.2024, 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 XVII Metropolitan Magistrate, Saidapet, Chennai** and on



further conditions that:

[a] the petitioner shall report before the concerned NDPS Court, on all working days at 10.30 a.m., until further orders, without fail.

[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 petitioner released on bail by the learned Magistrate/Trial



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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.

28.10.2024

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To

- 1.The XVII Metropolitan Magistrate, Saidapet, Chennai
- 2.The Superintendent of Prison,
Central Prison, Puzhal
- 3.The Inspector of Police
R-4, Soundarapandiyanar Angadi Police Station
Chennai
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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