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Crl.O.P.No.27194 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2024

CORAM :
THE HONOURABLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.27194 of 2024

1.Venkatesan @ Gopi

2.Vishal @ Tatto Vishal

... Petitioners/Accused

Vs.

The Inspector of Police,
N-4 Fishing Harbor Police Station,
Chennai.

(Crime No.285 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.285 of 2024 on the file of the respondent police.

For Petitioner : Mr.M.Manimaran

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 04.09.2024, for the alleged offence punishable under Sections 8(c), 22(b) and

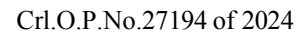


29(1) of NDPS Act, 1985 in Crime No.285 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners along with other two accused were in illegal possession of 120 Nos of Nitrazepam tablets. Hence, the case.

3. Learned counsel for the petitioners would submit that the petitioners are an innocent person, 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 have been in custody since 04.09.2024; that they are law-abiding citizen; that they are ready to furnish substantial sureties for their due release on bail; and therefore, he prays for the grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) opposes the grant of bail to the petitioners by stating that the petitioners along with other accused were in illegal possession of 120 Nos of Nitrazepam tablets. He further submitted that there are four previous cases pending against the first



5. Heard both sides and perused the materials available on record including the First Information Report.

7. Accordingly, the petitioners are ordered to be released on bail on 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 **XVI MM of George Town, Chennai**, and on further conditions that:-

[b] the petitioners shall attend in accordance with the conditions of the



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bond;

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[c] the petitioners shall not commit any offences of similar to the offence of which they are accused, or suspected, or of the commission of which they are suspected;

[d] 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 the evidence;

[e] the petitioners 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 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].

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

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To:

- 1.The XVI MM of George Town,
Chennai
- 2.The Inspector of Police,
N-4, Fishing Harbor Police Station,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL,J.

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