



Crl.O.P.No.27489 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.27489 of 2024

1. Pradeep Raj @ Alagiri

2. Vignesh

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Pallikonda Police Station,
Vellore District.
(Crime No.309 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.309 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.T.Muruganantham

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioners/A1&A2, who were arrested and remanded to judicial custody on 18.10.2024, seeking bail in Crime No.309 of 2024 registered for the offence under



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Sections 123 & 111 of BNS and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015.

2. The case of the prosecution is that the accused were indulged in selling the tydol tablets to the school going children and from them 15 Tydol tablets and 8 syringes were recovered by the respondent Police. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are in custody from 18.10.2024 and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (CrI.Side) appearing for the respondent police, while objecting for grant of bail to the petitioners, submitted that the accused were found to be in illegal possession of 15 Tydol tablets and 8 syringes and they were indulged in selling those tablets to the school going children. He further submitted that there is no previous case against these petitioners.



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5. At this juncture, the learned counsel for the petitioners submitted that the petitioners, without prejudice to their defense and contention, are ready and willing to deposit an amount of Rs.2,000/- each as non-refundable deposit to any welfare scheme of the Government or any organization. Hence, he prayed for grant of bail to the petitioners.

6. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record including the counter filed by the respondent.

7. On considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of Rs.2,000/- each as non refundable deposit to the credit of the "District Legal Services Authority, Vellore", without prejudice to their rights and contentions before the trial Court.

8. Merely because the petitioners deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.



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9. Taking into consideration the facts and the submissions made by the learned counsel on either side and taking note of the fact that there is no previous against the petitioners and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

10. Accordingly, the petitioners are ordered to be released on bail on condition to make a non-refundable deposit of **Rs.2,000/- (Rupees Two Thousand only)** each to the credit of "**District Legal Services Authority, Thirupathur**", without prejudice to their rights and contentions before the trial Court and on such deposit and production of proof, the petitioners are ordered to be released on bail on their executing separate bond each for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate V, Vellore**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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[b] the petitioners shall report before the respondent Police, everyday at 10.30a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned 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]***;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of B.N.S.

19.11.2024

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To

1. The Judicial Magistrate V,
Vellore.
2. The Inspector of Police,
Pallikonda Police Station,
Vellore District.
3. The Superintendent,
Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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