



Crl.O.P.No.28112 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

CORAM

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

Crl.O.P.No.28112 of 2024

Ajith @ Periya Ajith

... Petitioner

Vs.

The State Represented by
The Inspector of Police
M3 Puzal Police Station,
Chennai City.
(Crime No.781 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.781 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.Krishna Moorthy

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 02.10.2024,



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seeking bail in Crime No.781 of 2024 registered for the offence under Sections 123 of BNS, 24(1) of COTPA Act and 8(c) and 20(b) (ii) (A), of Narcotic Drugs and Psychotropic Substances Act, 1985.

2.The case of the prosecution is that on 02.10.2024 on the information received, the respondent-police intercepted the petitioner and another accused and found that they were in possession of illegal contraband and they had seized 1.800 grams of tobacco product and 200grams of Ganja, which were kept for selling. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and nothing to do with the said offence and he has been falsely implicated in this case. He also submitted that the petitioner was arrested on 02.10.2024 when he was about to move to his residence and the quantity of contraband said to have been seized is small quantity and he is also ready to abide by any stringent conditions that may be imposed by this Court and prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the

respondent police submitted that totally there are two accused involved in this case and the petitioner is arrayed as A1. While opposing for the grant of bail to the petitioner/A1, he has submitted that on the date of occurrence, A1 was found in an illegal possession of 1.800 grams of Tobacco product and A2 was found in an illegal possession of 200 grams of Ganja and A1 had involved in two previous cases and one is under Section 302 IPC and another is under Section 307 IPC.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the above facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering 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



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on his executing a bond 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 **District Munsif-cum-Judicial Magistrate, Madhavaram**, 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;

[b] the petitioner shall report before the respondent Police, everyday at 06.30 p.m., until further orders;

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

[d] the petitioner 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 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]***;

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



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To

- 1.The District Munsif-cum Judicial Magistrate,
Madhavaram.
- 2.The Inspector of Police
M3 Puzhal Police Station,
Chennai.
- 3.The Superintendent,
Central Prison -II,
Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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