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Crl.O.P.No.28502 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

CORAM

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

Crl.O.P.No.28502 of 2024

Rajavel
S/o.Madhu

... Petitioner

Vs.

The State represented by
Inspector of Police,
Tirupattur Police Station,
Tirupattur District
(Crime No.416 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS to
enlarge the petitioner on bail in connection with Crime No.416 of 2024 on the
file of the respondent Police.

For Petitioners : Mr.R.Sudhakar

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

ORDER

This Criminal Original Petition has been filed by the petitioner,



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who was arrested and remanded to judicial custody on 08.10.2024, seeking bail in Crime No.416 of 2024 registered under Sections 8(c), 20(b)(ii)(A) of Narcotic Drugs & Psychotropic Substances Act 1985 and 123, 308(5) of BNS 2023.

2.The case of the prosecution is that on 08.10.2024 the petitioner was found in possession of 100 grams of kanja. Hence the case.

3.Learned Counsel appearing for the petitioner submitted that the the petitioner is an innocent person and has been falsely implicated in this case only for statistical purpose. He further submitted that the petitioner is in custody from 08.10.2024. Hence, he prayed for grant of bail to the petitioner stating that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court.

4.Learned Government Advocate (Crl. Side) appearing for the respondent police while opposing for grant of bail to the petitioner submitted that on the date of occurrence, the petitioner, who is third accused in this case was found in possession of 100 grams of ganja. He further submitted that A1



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bought the above contraband from A2, who in turn bought it from A3. He further submitted that the petitioner/A3 purchased the contraband from Odissa and used it for personal consumption and sold it to the public. He further submitted that the petitioner has seven previous cases, five of which are similar in nature.

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 facts and the submissions made by the learned counsel on either sides and 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 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 **Judicial Magistrate No.I, Tirupattur** and on further conditions that:



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[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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

18.11.2024

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To

1.The Judicial Magistrate No.I,
Tirupattur.

2.The Superintendent,
Sub Jail, Tirupattur.

3.The Inspector of Police,
Tirupattur Police Station,
Tirupattur District.

4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

sai

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