



Crl.O.P.No.28310 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM

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

Crl.O.P.No.28310 of 2024

1. Sanjay @ Aaya Kollai

2. Santhoshkumar

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
R-10 MGR Nagar Police Station,
Chennai - 78.
(Crime No.410 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.410 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.A.Sachinraja

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

ORDER

This Criminal Original Petition has been filed by the petitioners/A1 & A3, who were arrested and remanded to judicial custody on 17.10.2024, seeking bail in Crime No.410 of 2024 registered for the offences under Sections 278 &



Crl.O.P.No.28310 of 2024

123 of BNS.

2. The case of the prosecution is that based on the secret information, the respondent and his team had conducted a search, during which, they found that the accused were in illegal possession of 60 Tydol tablets (each 100 mg) and 28 syringes. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners, aged about 19 years, are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners are no way connected with the offence as alleged by the prosecution and they are suffering incarceration from 17.10.2024. Hence, he prayed for grant of bail to the petitioners stating that the petitioners are 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 objecting for grant of bail to the petitioners, submitted that the petitioners/A1 & A3 along with A2 were found to be in illegal possession of 60 Tydol tablets (each 100 mg) and 28 syringes. He further submitted that 5 previous cases are pending against the first petitioner and in respect of the second



Crl.O.P.No.28310 of 2024

petitioner, two previous cases are pending.

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.5,000/- 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.5,000/- each as non refundable deposit to the credit of the "Director, Institute of Mental Health, Kilpauk, Chennai", 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



Crl.O.P.No.28310 of 2024

with the case independently.

9. Taking into consideration the facts and the submissions made by the learned counsel on either side and taking note of 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.5,000/- (Rupees Five Thousand only) each** to the credit of "**Director, Institute of Mental Health, Kilpauk, Chennai**", 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 **XXIII Metropolitan Magistrate, Saidapet, Chennai -15**, 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 petitioners shall report before the



CrI.O.P.No.28310 of 2024

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respondent Police, everyday at 06.30 p.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 B.N.S.

21.11.2024

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To

1. The XXIII Metropolitan Magistrate,
Saidapet, Chennai - 15.
2. The Inspector of Police,
R-10 MGR Nagar Police Station,
Chennai - 78.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,



Crl.O.P.No.28310 of 2024

High Court of Madras.

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A.D.JAGADISH CHANDIRA., J.

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Crl.O.P.No.28310 of 2024



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CrI.O.P.No.28310 of 2024

21.11.2024