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Crl.O.P.No.28397 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.28397 of 2024

Prakash @ Kosuru Surya

... Petitioner

Vs.

The State represented by
The Inspector of Police
K-10 Koyambedu Police Station,
Chennai.
(Crime No.869 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.869 of 2024 on the file of the respondent Police.

For Petitioners : Mr.V.Karthick

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who is arrayed as A3 and arrested and remanded to judicial custody on 09.10.2024, seeking bail in Crime No.869 of 2024 registered for the



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offence under Sections 8(c) and 20(b) (ii) (B) of Narcotic Drugs and Psychotropic Substances Act, 1985 and 278 and 132 of BNS, 2023.

2. The case of the prosecution is that on 09.10.2024 at about 18.00 hours on receipt of special report, the respondent police team had gone to Bhuvaneshwari Nagar Meenakshi College, where A1 and A2 were found in illegal possession of 1.150 kilograms of Cannabis and 16 numbers of Tapentatol Tablets without valid licence, seized the contrabands from them and arrested and remanded to judicial custody on the same day. Based on the confession given by them, the petitioner/A3, who was found in illegal possession of 20 numbers of Tapentatol Tablets without valid licence, was also arrested by the respondent and they had seized the tablets from him. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and there is no recovery from him and in order to keep him under fetters, he had been falsely implicated in this case. He has also submitted that the petitioner is in custody from 09.10.2024 and he is ready to abide by any stringent conditions that may



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be imposed by this Court. He has further submitted that the other accused viz., A1 and A2, from whom contraband had said to have been seized, were granted bail by this Court in Crl.O.P.No.28218 of 2024 dated 12.11.2024 and A4 was granted bail in Crl.O.P.No.28706 of 2024 on 15.11.2024. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally four accused involved in this case and the petitioner is arrayed as A3. While opposing for the grant of bail to the petitioner, he had submitted that on the date of occurrence, A3 was found in illegal possession of 20 numbers of Tapentatol Tablets without valid licence and nine previous cases were pending against this petitioner.

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 submissions made by the learned counsel on either side and the fact that A1 and A2 were granted



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bail in Crl.O.P.No.28218 of 2024 dated 12.11.2024 and A4 was granted bail in Crl.O.P.No.28706 of 2024 on 15.11.2024 and that the recovery said to have been made from the petitioner is only 20 numbers of Tapentatol Tablets 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 on his executing a bond **for a sum of Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties (one of them shall be either father or mother of the petitioner)**, each for a like sum to the satisfaction of the learned **V Metropolitan Magistrate, Egmore, Chennai**, 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 respondent Police, everyday at 06.30 p.m., until further orders;

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



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

21.11.2024

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To

- 1.The V Metropolitan Magistrate, Egmore, Chennai.
- 2.The Inspector of Police
K-10 Koyambedu 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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