



Crl.O.P.No.28517 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 14.11.2024

CORAM

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

Crl.O.P.No.28517 of 2024

Surya,
S/o.Prakasam

... Petitioner

Vs.

The State Represented by
Sub-Inspector of Police
Brammadesam Police Station
Tiruvannamalai District
(Crime No.259 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail, in Crime No.259 of 2024, pending on the file of the respondent police.

For Petitioner : Mr.A.Anbharasu

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 22.09.2024, seeking bail in



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Crime No.259 of 2024 registered for the offence under Section 27(1) Arms Act and r/w.8(c) & 20(b)(ii)(A) of Narcotic Drugs and Psychotropic Substances Act.

2.The case of the prosecution is that the petitioner was found in illegal possession of 20 grams of cannabis. Hence, the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in this case. He further submitted that the petitioner is in custody from 22.09.2024 and he is also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4.Learned Government Advocate (Crl. Side) appearing for the respondent police while opposing the grant of bail to the petitioner submitted that the petitioner was found in illegal possession of 20 grams of cannabis. He also submitted that there are four previous cases pending against the petitioner and out of which one case is under NDPS Act.



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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 on his executing a separate 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 at Cheyyar, Thiruvannamalai District** 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;



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[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.

14.11.2024

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To

- 1.The Judicial Magistrate
Cheyyar, Thiruvannamalai District.
- 2.The Sub-Inspector of Police
Brammadesam Police Station
Tiruvannamalai District.
- 3.The Sub Jail
Vandavasi, Thiruvannamalai District.
- 4.The Public Prosecutor
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.
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