



WEB COPY



CrI.O.P.No.29026 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM

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

CrI.O.P.No.29026 of 2024

1.Sathishkumar @ Sakthi

2.Abdul Naseer

3.Sanjay

... Petitioners

Vs.

The State represented by
The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.
(Crime No.1099 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.1099 of 2024 on the file of the respondent Police.

For Petitioners : Mr.V.Karthick

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

ORDER

This Criminal Original Petition has been filed by the
petitioners/Accused Nos.2, 3 and 4, who were arrested and remanded to



Crl.O.P.No.29026 of 2024

judicial custody on 19.10.2024, seeking bail in Crime No.1099 of 2024 registered for the offence under Sections 8(c), 20(b)(ii)(B), 25 and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution is that four accused were involved in this case and the petitioners, who are A2 to A4, were found in illegal possession of 1.050kgs of Ganja for sale and the contraband had been seized by the respondent police. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they had been falsely implicated in this case. He has also submitted that the petitioners are in custody from 19.10.2024 and they have no previous case against them and that they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for the grant of bail to the petitioners/A2 to A4, had submitted that the petitioners had found in illegal possession of 1.050kgs of Ganja for sale and A2 had involved in



Crl.O.P.No.29026 of 2024

two previous cases and A3 and A4 had involved in one previous case each and investigation is pending.

5. Heard the learned counsel appearing for the petitioners 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 circumstances of the case, the submissions made by the learned counsel on either side and also the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a 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 XV Metropolitan Magistrate, 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;



WEB COPY



CrI.O.P.No.29026 of 2024

[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;

[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

raa

To

1.The XV Metropolitan Magistrate, Chennai,



Crl.O.P.No.29026 of 2024

2.The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.

3.The Superintendent, Central Prison-II,
Puzhal, Chennai.

4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.29026 of 2024

A.D.JAGADISH CHANDIRA.,J.

raa

Crl.O.P.No.29026 of 2024

21.11.2024