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Crl.O.P.No.29721 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

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

Crl.O.P.No.29721 of 2024

1. Akmath Basha

2. Karthik Raja

3. Venkatesh

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
R-10, M.G.R. Nagar Police Station,
Chennai.
(Crime No.462 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on bail, in connection with Crime No.462 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.P.Surendran

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

ORDER

Petition seeking bail in respect of Crime No.462 of 2024 registered for the offences punishable under Sections 278, 123 of BNS is on board for



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consideration.

2. The incarceration of the petitioners being from 17.11.2024 pleading innocence on the part of the petitioners and false implication in the case, the learned counsel for the petitioners seeks indulgence of this Court. He also submits that the petitioners are no way connected with the alleged offence, however, the petitioners, without prejudice to the defence and contention, are ready and willing to deposit a sum of Rs.10,000/- each to any welfare scheme of the Government or any other organization. He also submits that the petitioners are ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the accused were found to be in illegal possession of 116 Tydol (Tapentadol) tablets (each 100 mg) and 22 syringes. He further submits that there are five accused in this case and the petitioners herein are arrayed as A5, A1 and A3 and there is no previous case against the petitioners.

4. Considering the voluntary submission made by the learned counsel



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for the petitioners, the petitioners are directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) each** to the credit of the "**Tamil Nadu State Legal Services Authority, Chennai**", without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

5. Further, having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and also considering that there is no previous case against the petitioners, this court is inclined to grant bail to the petitioners with certain conditions and accordingly, 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**, 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



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respondent Police, everyday at 10.30 a.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 of B.N.S.

27.11.2024

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To

1. The XXIII Metropolitan Magistrate,
Saidapet.
2. The Inspector of Police,
R-10, M.G.R. Nagar Police Station,
Chennai.
3. The Superintendent,
Sub Prison,
Saidapet, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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