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CRL.O.P.No.29895 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL.O.P.No.29895 of 2024

P.Nandha Kumar

... Petitioner

Versus

State Rep. by its,
The Inspector of Police,
G-1, Vepery Police Station,
Chennai District.
(Crime No.350 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail to the petitioner/Accused in Crime No.350 of 2024 pending on the file of the respondent Police.

For Petitioner	:	Mr.S.Chinnasamy
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 16.11.2024,



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seeking bail in Crime No.350 of 2024 registered for the offences under Sections 8(c) and 20(b)(ii)(A) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2.The case of the prosecution is that on secret information, the respondent Police had gone to the scene of occurrence and found that the petitioner was having illegal possession of 250 grams of ganja. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the allegation against the petitioner is false and he is in custody from 16.11.2024; and that he prayed for grant of bail.

4.Learned Government Advocate (Crl. Side) *per contra* would submit that the petitioner was found to be in illegal possession of 250 grams of ganja; that the investigation is pending; and that there are previous cases.



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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.Considering the nature of allegation and period of incarceration undergone by the petitioner and also considering that the custody of the petitioner is not required for further investigation, 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned II 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;



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[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[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.

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To

- 1.The II Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
G-1, Vepery Police Station,
Chennai District.
- 3.The Superintendent,
Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

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