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Crl.O.P.No.30289 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2024

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

Crl.O.P.No.30289 of 2024

Alan Mourya

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
K-2 Ayyanavaram Police Station,
Chennai.

(Crime No.278 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.278 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.Krishna Moorthy

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

ORDER

Petition seeking bail in respect of Crime No.278 of 2024 registered for the offences punishable under Sections 8(c), 22(b), 25 and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, is on board for consideration.



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2. The incarceration of the petitioner/A5 being from 26.10.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that even as per the prosecution, there is no recovery from the petitioner herein and he was arrested only based on the confession statement recorded from A4. He further submits that the co-accused have been released on bail by this Court in CrI.O.P.No.29365 of 2024 dated 25.11.2024 and the petitioner, who is in no way connected with the alleged offence, is 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 based on a secret information, the respondent conducted a search and seized 5 grams of Methamphetamine from A1 to A3 and based on A1's confession, 5 grams of Methamphetamine was recovered from A4 also. He further submits that the specific overtact against the petitioner/A5 is that he had purchased the contraband from other state and sold the same to A4. He also submits that though there is no recovery from the petitioner and no previous case is pending against him, if he is released on bail, there is every possibility of him absconding and not available for further investigation.



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4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the counter filed by the respondent and considering the period of incarceration undergone by the petitioner and that no contraband was recovered from him, this court is inclined to grant bail to the petitioner with certain conditions and 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 (out of which, one of the sureties should be either the 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 petitioner shall report before the respondent Police, everyday at 06.30 p.m., until further orders;

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



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[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 of B.N.S.

05.12.2024

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To

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

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