



Crl.O.P.No.30730 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM

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

Crl.O.P.No.30730 of 2024

1. Pawan Pattija @ James
2. Tison Joseph

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
D-2, Annasalai Police Station,
Chennai.

(Crime No. 205 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.205 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.205 of 2024** registered for the offences punishable under Sections **8(c), 22(b) of NDPS Act**, on board for



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consideration.

2. The incarceration of the petitioners being from **12.11.2024** pleading innocence on the part of the petitioners and false implication in the case, the learned counsel for the petitioners seek indulgence of this Court. He also submits that the petitioners, without prejudice to the defence and contention, are ready and willing to deposit an amount of **Rs.15,000/- each** to any welfare scheme of the Government or any other organization. He further submits that the petitioners are ready to abide by any stringent conditions 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, would submit that, on 09.11.2024, at about 12.45 hours, based on the secret information about the illegal transport of banned tobacco products, the respondent police went to the scene of occurrence and found that the petitioners/A-1 and A-3, along with other accused were in illegal possession of banned tobacco products viz., From A-1, MDMA Tablet – 12.7 grams, Hashis Oil- 19 small bottles – 140 grams, Malana cream – 10 small pockets – 81 grams, Malana Super cream – 2 small pockets – 18 grams, Navy blue colour Apple cell



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phone-1, and from A-3, Methamphetamine – 17 small pockets – 19 grams, OG Ganja – 8 small pockets – 21 grams, Chronicgods name ganja smoking paper box – 1 (50 papers), Yellow colour Oppo cell phone – 1 and a Black colour POCO cell phone. He would further submit that there is no previous cases pending against the petitioners.

4. Considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) each**, to the credit of the "**Seva Chakkara Samajam (Orphanage), Address- No.89/41, Sami Pillai Street, Choolai, Chennai – 112, Canara Bank, Vepery Branch, A/c.No. 0943101024681, IFSC Code No. CNRB0000943**" 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, 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, out of which, one must be**



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a blood related surety, each for a like sum to the satisfaction of the learned II Metropolitan Magistrate, Egmore, 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 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.

dsn

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To

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



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A.D.JAGADISH CHANDIRA.,J.

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