



Crl.O.P.No.30654 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

CORAM

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

Crl.O.P.No.30654 of 2024

1. Nitheesh Kumar

2. Bharani @ Puliyanakottai

....Petitioners

Vs.

The State represented by,
The Inspector of Police,
D1, Triplicane Police Station,
Chennai
(Crime No.458 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.458 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.B.Jawahar

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

ORDER

Petition seeking bail in respect of Crime No.458 of 2024 registered for the offences punishable under Sections 8(c), 22(b) and 29(1) of NDPS Act, is on board for consideration.



CrI.O.P.No.30654 of 2024

2. The incarceration of the petitioners being from 04.11.2024 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 further submits that the petitioners, without prejudice to the defence and contention, are ready and willing to deposit a sum of Rs.5,000/-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 47 Nitrovet Tablets.

4. Considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)each** to the credit of the "**Tamil Nadu 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.



Crl.O.P.No.30654 of 2024

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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 including the counter filed by the respondent and also considering the period of incarceration undergone by 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 his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties(out of which one shall be Father or Mother of the petitioners)**, each for a like sum to the satisfaction of the learned **II Metropolitan Magistrate Court, 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 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;



Crl.O.P.No.30654 of 2024

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[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.

09.12.2024

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Crl.O.P.No.30654 of 2024

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To

1. II Metropolitan Magistrate Court, Egmore,
Chennai.
2. The Inspector of Police,
D1, Triplicane Police Station,
Chennai
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.30654 of 2024

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.30654 of 2024

09.12.2024