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Crl.O..No. 31297 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM

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

Crl.O.P.No. 31297 of 2024

1.Murugan

2.Venkatesh

3.Manjula

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Tirupathur Taluk Police Station,
Tirupathur District.
Crime.No.693 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 Crime No. 693 of 2024 pending investigation on the file of the
respondent Police.

For Petitioners : Mr.R.Parthiban

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)



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ORDER

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Apprehending arrest in connection with Crime No.693 of 2024 registered for the offences punishable under Sections 8 (c), 20(b) (ii) (B) 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, the present petition has been filed by the petitioners seeking anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused persons were found in possession of 7.900 kilograms of Ganja illegally. Hence the complaint.

3. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He further submits that based on the confession statement given by the 4th accused, the petitioners were added as accused. He further submits that no previous cases are pending against them. He also 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 further submits that the



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petitioners are ready to abide by any stringent condition that may be imposed by this court. He further submits that the petitioners are ready to abide by any stringent condition that may be imposed by this court.

4. The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioners along with other accused persons were found in possession of 7.900 kilograms of Ganja illegally. He further submits that there is no previous cases are 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.5,000/- each (Rupees Five Thousand only)** to the credit of the **District Legal Services Authority, Tirupathur District**, without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.



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5. Further, having heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly, they are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Tirupathur**, on condition that the petitioners shall execute 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that: -

[a] the petitioners and 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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond 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 B.N.S.

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MSM



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A.D.JAGADISH CHANDIRA, J.

MSM

To

The Inspector of Police,
Tirupathur Taluk Police Station,
Tirupathur District.
Crime.No.693 of 2024).

2.The Public Prosecutor, High Court, Madras.

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