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Crl.O.P.No.31744 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.31744 of 2024

1. Tofan Biswal

2. Nihar Ranjan Parida

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
C1- Sriperumbudur Police Station,
Kancheepuram District.

(Crime No.718 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.718 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.M.P.Yuvaraj

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



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ORDER

Petition seeking bail in respect of Crime No.718 of 2024 registered under Sections 8(c), 20(b)(ii)(B), 29(1) and 25 of NDPS Act, 1985 is on board for consideration.

2. The incarceration of the petitioners/A1 & A3 being from 10.10.2024 pleading innocence on the part of the petitioners and false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He also submits that the petitioners have been falsely implicated in this case. He further submits that the co-accused in this case has been granted bail in Crl.OP.No.30882 of 2024 dated 11.12.2024. He further 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 petitioner along with other accused was found to be in illegal possession of 1.200 grams of ganja along with 20 numbers of Ganja Chocolate. He also submits that there is no previous case against the petitioners, however, they are the native of Odisha, therefore, if they are released on bail, there is every



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possibility of them absconding and not available for further investigation.

4. 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, and taking note of the period of incarceration undergone by the petitioners and considering the fact that there is no previous case against them, 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 (one of the surety must be a blood surety)**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Sriperumbudur**, 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;



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[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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

19.12.2024

drl



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To

1. The Judicial Magistrate,
Sriperumbudur.
2. The Inspector of Police,
C1- Sriperumbudur Police Station,
Kancheepuram District.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

drl

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