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Crl.O.P.No.32572 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.12.2024

CORAM

THE HON'BLE MRS. JUSTICE **L.VICTORIA GOWRI**

Crl.O.P.No.32572 of 2024

Thirumalai

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
K-10, Koyambedu Police Station.
Chennai District.
(Crime No. 1053 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
2023 to enlarge the petitioner on bail in Cr.No.1053 of 2024 on the file of
the respondent police.

For Petitioner : Mr. P.Santhosh
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The Petitioner, who was arrested and remanded to judicial custody
on 24.11.2024, for the alleged offence punishable under Sections 8 (c) r/w



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20(b) (ii) (B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.1053 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, during inspection conducted by the respondent/police on 24.11.2024, the petitioner was found in illegal possession of 1.500 kgs of Ganja. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submits that the petitioner was arrested and is in judicial custody from 24.11.2024. He would further submit that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.10,000/-, to any welfare scheme of the Government or any other organization. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court. Hence, he prayed bail for the petitioner.



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4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner was found in illegal possession of 1.500 kgs of Ganja. He further submits that there are three previous cases pending against the petitioner. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record, including the First Information Report.

6. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non-refundable deposit, to the credit of **Manolaya, Home for Mentally Ill Destitute, Bank Name: Indian Overseas Bank, Branch: Kottaram, IFSC Code: IOBA0000253, Account Name: Manolaya, Account No.025302000000284, UPI ID: 6379484925@okbizicici, Gpay:9443307196**, 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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7. Considering the submissions made by the learned counsel on either side, nature of offence, and considering the period of incarceration undergone by the petitioner, i.e. from 24.11.2024, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned **V Metropolitan Magistrate, Egmore**, and on further conditions that :-

[a] the petitioner shall report before the respondent police, everyday at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

[b] the petitioner shall not commit any offences of similar nature.

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

[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 MetropolitanMagistrate/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



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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 BNS.

27.12.2024

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To

1. The V Metropolitan Magistrate, Egmore.
2. The Inspector of Police,
K-10, Koyambedu Police Station.
Chennai District.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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L.VICTORIA GOWRI, J.

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