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Crl.O.P.No.26 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

CORAM

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

Crl.O.P.No.26 of 2025

Surajbharathan

... Petitioner

Vs.

The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai.
(Crime No.804 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.804 of 2024 pending on the file of the respondent police.

For Petitioner : Mr. MS. Sitchick

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



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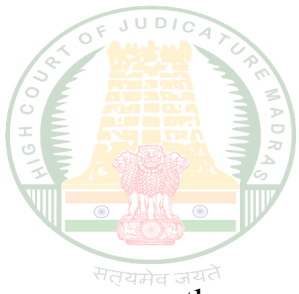
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ORDER

Petition seeking bail in respect of Crime No.804 of 2024 registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c), 25 and 29(1) of the NDPS Act, 1985, is on board for consideration.

2. Learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He also submitted that the petitioner is in custody from 13.11.2024 and the petitioner is also ready to abide by any other stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police while opposing for grant of bail to the petitioner is that, based on secret information, the co-accused persons, who were involved in illegal possession and selling of banned contraband weighing 22.202 kilograms of Ganja, 100 grams of Ganja oil and 20 grams of Ganja Chocolate were arrested. Based on their confession, it reveals that the petitioner/ A11 and other accused persons have bought the contraband from Andhra Pradesh and trying to illegally sell



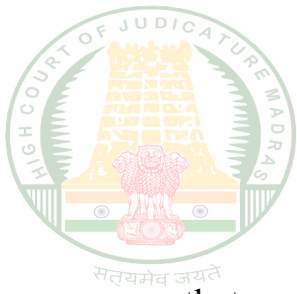
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the same for their personal gain. He also submitted that the petitioner has no previous case and there is no recovery of contraband from the petitioner herein.

4. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record, including the FIR.

5. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsels on either side, and considering the fact that the petitioner has no previous case and period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is 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 a blood surety from the native place of the petitioner, with submission of address proof, before the Magistrate concerned)**, each for a like sum to the satisfaction of the **learned X Metropolitan Magistrate, Egmore, Chennai** and on further conditions



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that:
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[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 petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[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 Magistrate/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 Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***;



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

28.01.2025

stn

To

1. The X Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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