



Crl.O.P.No.173 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

CORAM

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

Crl.O.P.No.173 of 2025

T.Kannan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
J8, Neelankarai Police Station,
Chennai.

(Crime No.533 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in connection with Crime No.533 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Ms.R.Revathy

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

ORDER

Petition seeking bail in respect of Crime No.533 of 2024 registered for the offences punishable under Sections 8(c), 22(c) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, is on board for consideration.

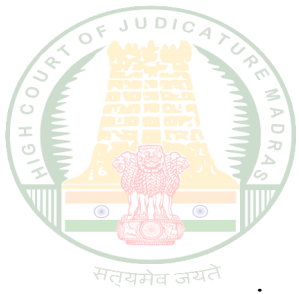


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2. The incarceration of the petitioner being from 13.11.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He submits that even as per the prosecution, the allegation against the petitioner is that he had purchased the contraband from A3 one Jonanthan, who is a resident of Bangalore. He also submits that though the petitioner and A1 were arrested at the same location, there is no material to show that the petitioner was aware of the contraband, which was in possession of the other accused, which amounts to be a commercial quantity. He further submits that other than the intermediate quantity recovered from the petitioner, there is no material to show that the petitioner is also a part of the gang with the other accused. He submits that that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.5,000/-, to any welfare scheme of the Government or any other organization. He further submits that the petitioner is 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/A2 along with A1 and A3 was found to be in illegal

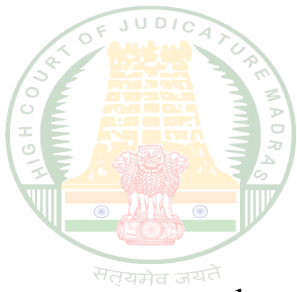


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possession of 51 grams of Methamphetamine (commercial quantity). He would submit that A1/Raghu, A2/Kannan and A3/Jonathan were found in possession of 13 grams of white Methamphetamine, 12 grams white Methamphetamine and 26 grams of brown Methamphetamine, respectively. He would further submit that the A1 has transferred an amount of Rs.3,000/- to the account of the petitioner herein and that A2 had purchased the contraband from A3.

4. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)**, to the credit of **Tamil Nadu Advocate's Clerk's Association, Account No. 484026006, Branch: Indian Bank, High Court, IFSC No. IDIB000M157**, without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

5. Further, having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and taking note of the fact that the amount of contraband recovered from the petitioner is only an intermediate quantity and that there is no material to show that the petitioner was aware of the



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contraband of the other accused, this court is inclined to grant bail to the petitioner with certain conditions and 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**, each for a like sum to the satisfaction of the learned **Judicial Magistrate Cum District Munsif, Sholinganallur**, 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 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



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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.

21.01.2025

Anu

To

1. The Judicial Magistrate Cum District Munsif,
Sholinganallur

2.The Inspector of Police,
J8, Neelankarai Police Station,
Chennai.

3. The Superintendent,
Central Prison, Puzhal.

4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Anu

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