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Crl.O.P.No.287 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2025

CORAM

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

Crl.O.P.No.287 of 2025

Parthiban

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Puzhal Police Station,
Kolathur District.

(Crime No.954 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.954 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.Elamurugan

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

ORDER

Petition seeking bail in respect of Crime No.954 of 2024 registered for the offences punishable under Sections 8(c), 20(b), 25, 29(1) of Narcotic Drugs



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and Psychotropic Substances Act, 1985 @ under Section 8(c) r/w Section 22(C), 25 and 29(1) of NDPS Act, is on board for consideration.

2. The incarceration of the petitioner/A6 being from 21.11.2024 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 though the total contraband said to be involved in this case is 82.56 grams of Methamphetamine, which is a commercial quantity, there is absolutely no recovery from the petitioner and the petitioner has been implicated based on the alleged inadmissible confession said to have been recorded from the arrested accused, from whom, there is recovery of contraband. He would further submit that there is no previous case against the petitioner and the rigours of Section 37 Cr.P.C may not be attracted as against the petitioner. He also submits 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 further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.



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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 accused were found to be in illegal possession of 82.56 grams of Methamphetamine, which is a commercial quantity and that 2.1 grams of Methamphetamine was seized from A1 and A2 and the petitioner/A6 was implicated based on the confession statement of A1 that A3 to A6/petitioner have supplied contraband to him. He would further submit that there is no recovery from the petitioner and that he has been implicated based on the confession recorded from the other accused, from whom, there is a recovery of contraband.

4. 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)**, to the credit of "**District Legal Services Authority, Chennai 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.

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 there is



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no recovery from the petitioner and that the petitioner has satisfied the condition required under Section 37 Cr.P.C., 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, Madavaram**, 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 by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala***



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[(2005)AIR SCW 5560];

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

22.01.2025

Anu

To

1. The Judicial Magistrate, Madavaram
2. The Inspector of Police,
Puzhal Police Station,
Kolathur 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.

Anu

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