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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **09.01.2025**

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

Crl.O.P.No.367 of 2025

Mohanan ... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
K-2, Ayanavaram Police Station,
Chennai.
(Crime No. 311 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.311 of 2024**, pending investigation on the file of the respondent Police.

For Petitioner : Mr.J.Ranjithkumar

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

O R D E R

Petition seeking bail in respect of **Crime No.311 of 2024** registered for the offences punishable under Sections 8(c) r/w. 22(c) and 29(1) of the Narcotic Drugs & Psychotropic Substances Act, 1985 @ u/s. 8(c) r/w. 22(C), 29(1) and 20(b)(ii)(A) of the NDPS Act, 1985, is on board for consideration.

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2. The incarceration of the petitioner being from **20.11.2024** pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He would submit that based on confession statement of the co-accused, the petitioner was falsely implicated in this case. He would submit that the petitioner had completed B.E., Mechanical Engineering and he worked in the Information Technology Sector at Tidel Park Limited. 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.

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, on 13.11.2024, at about 12.15 hrs, based on the secret information, the respondent police went to the scene of occurrence and found that, the accused was found to be in illegal possession of 4.5 grams of Methamphetamine, 28 LSD Stamps, 31 grams OG Ganja, 167 MDMA Ectasy

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Pills. He would submit that seized contrabands were commercial quantities. He would submit that co-accused/ A-1 to A-4 have been detained under Act-14. He would further submit that the petitioner has no previous case.

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 the **"Seva Chakkara Samajam (Orphanage), Address- No.89/41, Sami Pillai Street, Choolai, Chennai – 112, Canara Bank, Vepery Branch, A/c.No. 0943101024681, IFSC Code No. CNRB0000943"** 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 also the fact that the main accused was arrested for possession of commercial quantities of contraband, and also considering the fact that no bad antecedents against the petitioner, further, this court is of the opinion that the petitioner satisfies Section 37 of the NDPS Act, for the grant of bail, 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**

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Fifteen Thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **V Metropolitan Magistrate, Egmore, Chennai,** 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 [(2005)AIR SCW 5560];***

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

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To

1. The learned V Metropolitan Magistrate, Egmore, Chennai.

2. The Inspector of Police,
   K-2, Ayanavaram 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.

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