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Crl.O.P.No.1139 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.01.2025

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THE HON'BLE MR. JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.1139 of 2025

Thulkappiyan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
K11, CMBT Police Station,
Chennai.

(Crime No.924 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.924 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Sarath Kumar

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

ORDER

Heard the learned counsel on both sides.



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2. The petitioner is figured as the first accused in Crime No.924 of 2024 on the file of the respondent Police for the offences punishable under Sections 8(c), 22(b) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985. The petitioner was arrested on 13.12.2024.

3. The accused were found to be in illegal possession of intermediate quantity of Narcotic substances (23 grams of Methamphetamine and 210 grams of Ganja) and there is no previous case against the petitioner herein. Taking into account the facts of the case and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions.

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 **Metropolitan Magistrate No.V** and on further conditions that;

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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[c] the petitioner shall report before the respondent police everyday at 10.00 a.m. until further orders;

[d] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[e] the petitioner shall not abscond either during investigation or trial;

[f] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[g] On breach of any of the aforesaid conditions, the learned Judicial 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].

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

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G.R.SWAMINATHAN., J.

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To

1. The Metropolitan Magistrate No.V.
2. The Inspector of Police,
K11, CMBT Police Station,
Chennai.
3. The Superintendent,
Central Prison,
Puzhal – II.
4. The Public Prosecutor,
High Court of Madras.

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