

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

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

Crl.O.P.Nos.1487 & 1491 of 2025

Anand	... Petitioner in Crl.OP.No.1487 of 2025
Shameer	... Petitioner in Crl.OP.No.1491 of 2025

Vs.

State, represented by
The Inspector of Police
R-7, K.K.Nagar Police Station
Chennai.
(Crime No.266 of 2024)

... Respondent in both Crl. OPs

PRAYER : Criminal Original Petitions filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime
No.266 of 2024 on the file of the respondent Police.

For Petitioner	:	Mr.V.S.Venkatesh
For Respondent	:	Mr.Leonard Arul Joseph Selvam Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of Crime No.266 of 2024 registered for

the offences punishable under Sections 294(b), 324, 452, 384, 506(i) of IPC is on board for consideration.

2.The incarceration of the petitioners being from 24.12.2024 pleading innocence on the part of the petitioners and false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He further submits that although the de facto complainant alleges the incident occurred in January 2024, the complaint was filed with significant delay on 12.12.2024. He also submits that a substantial portion of the investigation has already been completed. He further submits that the petitioners are serving as constables in the NCB and have received commendations from their superior officers for their efforts to control illicit drug transactions. He further submits that the de facto complainant, who is involved in drug transactions, has falsely implicated the petitioners in this case . He also submits that the petitioners are no way connected with the alleged offences and they are 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 13.01.2024 the petitioners along with other accused trespassed into the de facto complainant's house under the pretext of selling

Methamphetamine, they then assaulted the de facto complainant, robbed him of a sum of Rs.70,000/- and his credit card. He further submits that there are two previous cases against the petitioners.

4.Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the period of incarceration undergone by the petitioners, this court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 XXIII Metropolitan Magistrate, Saidapet, 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 petitioners shall report before the respondent Police, everyday at 06.30 p.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

28.01.2025

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A.D.JAGADISH CHANDIRA, J.
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To

1.The XXIII Metropolitan Magistrate, Saidapet, Chennai

2.The Inspector of Police,
R-7, K.K.Nagar Police Station
Chennai.

3.The Superintendent,
Sub Jail, Ponneri, Tiruvallur District.

4.The Public Prosecutor,
High Court of Madras.

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