



WEB COPY



Crl.O.P.No.1701 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.1701 of 2025

Harishbabu @ Harish

... Petitioner

Vs.

State, Rep. by
The Inspector of Police
H-1 Washermenpet Police Station
Chennai.
(Crime No.06 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in C.C.No.779 of 2024 pending on the file of the 2nd Additional Special Court for exclusive trial for offences under NDPS Court, Chennai.

For Petitioner : Mr.T.Saraganan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 10.12.2024, seeking bail in C.C.No.779 of 2024 pending on the file of the 2nd Additional Special Court for exclusive trial for offences under NDPS Court, Chennai in connection with Crime No.06 of 2024 registered for the offence under Section 8(c), 22(c), 25 and 29(1)



of NDPS Act.

WEB COPY

2.The case of the prosecution is that A2 & A3 were found to be in possession of 2 kgs of Methamphetamine and on the confession statement of the accused that they purchased the contraband through the present petitioner, the petitioner was implicated in this case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner was arrested on the basis of the confession statement of the co-accused, while he was in custody in Crime No.873 of 2024 and there is no other material against the petitioner and there is no previous case against the petitioner and since the petitioner has satisfied the twin conditions as contemplated under Section 37 of NDPS Act, sought for bail to the petitioner.

4.Per contra, learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and submitted that in this matter investigation has been completed and charge sheet has been filed. The learned Government Advocate further submitted that though no recovery has been made from the petitioner, he has been implicated in this case based on the confession statement of the co-accused, besides call records between the accused, and that the petitioner has one previous case for possession of intermediate quantity registered in Cr.No.873 of



Crl.O.P.No.1701 of 2025

2024 on the file of the Washermenpet Police Station, Chennai. He further submitted that the co-accused/A1, from whom no recovery has been made was released on bail by order of this Court in Crl.OP.No.996 of 2025 dated 06.02.2025.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, including the counter affidavit filed by the respondent.

6.Admittedly, apart from the confession of the co-accused, there is no other material to implicate the petitioner except for the call records. Therefore, this Court is of the *prima facie* view that the petitioner has satisfied the requirements under Section 37 of the NDPS Act. Further, considering the fact that the co-accused/A1 has been released on bail, no recovery has been made from the petitioner, nature of allegations, period of incarceration undergone by the petitioner, final report has been filed before the trial Court, this Court finds that further custody of the petitioner is not necessary. Therefore, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 XV



Crl.O.P.No.1701 of 2025

Metropolitan Magistrate, George Town, 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.

13.02.2025

sai



CrI.O.P.No.1701 of 2025

SUNDER MOHAN, J.
sai

WEB COPY

To

1.The XV Metropolitan Magistrate,
George Town, Chennai

2.The Inspector of Police
H-1 Washermenpet Police Station
Chennai.

3.The Superintendent,
Central Prison, Puzhal II, Chennai

4.The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.1701 of 2025

13.02.2025