



Cr1.O.P.No.2099 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Cr1.O.P.No.2099 of 2025

Anandh @ Kodapalli Anandkumar

... Petitioner

Vs.

State Rep. by
The Inspector of Police
K-8, Arumbakkam Police Station
Chennai.
(Crime No.441 of 2024)

... Respondent

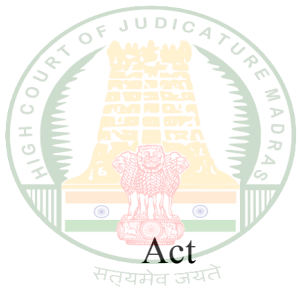
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.441 of 2024 on the file of the respondent.

For Petitioner : Mr.P.Muthamizhselvakumar

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

ORDER

This Criminal Original Petition has been filed by the petitioner/A13, who was arrested and remanded to judicial custody on 17.11.2024, seeking bail in Crime No.441 of 2024 registered for the offence under Section 8(c) r/w.22(b), 29(1) of NDPS Act @ 8(c) r/w 22(b), 22(c), 25, 20(b)(ii)(A) & 29(1) of NDPS



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2.The case of the prosecution is that on secret information, A1 was found to be in possession of 11.59 grams of Methaphatamine; that on his confession, it was revealed that A1 purchased the same from A4 and A5; that A4 and A5 were arrested; that there was no seizure from A4; that 2.5 kgs of Ganja was seized from A5; that A7 was implicated on the confession of A5 and there is no seizure from him; that A10 was employed under A8 and on information that others were arrested, he escaped and there was no seizure from him; that A11 had given his bank account to A17 (since January 2024) for the illegal monetary transactions; and that the petitioner/A13 is the person who had accompanied A8 in the car along with A14 and no seizure was made from him.

3.Learned counsel for the petitioner submitted that the allegations against the petitioner are false; that there was no seizure from the petitioner; and that there is nothing to suggest that the petitioner was in joint possession of commercial quantity and hence submitted that the rigors of Section 37 of the NDPS Act would not be applicable. He also submitted that co-accused were released on bail by order of this Court in Cr1.OP.Nos.31302 of 2024 & batch of cases dated 24.02.2025. He also submitted that the petitioner is in custody from



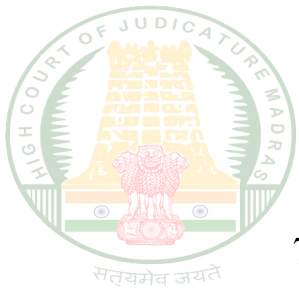
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17.11.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4.Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case. The learned Government Advocate further submitted that no seizure was made from the petitioner.

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.

6.Considering the above said facts; nature of allegations; period of incarceration undergone by the petitioner, and since the prosecution has not established that the petitioner was in joint possession of commercial quantity along with co-accused; the rigors of Section 37 of the NDPS Act would not be applicable to the petitioner and since further custody is not required for the purpose of interrogation, this Court is inclined to grant bail to the petitioner with certain conditions.



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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 V Metropolitan Magistrate, Egmore, 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.

04.03.2025

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To
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1.The V Metropolitan Magistrate,
Egmore

2.The Inspector of Police
K-8, Arumbakkam Police Station
Chennai.

3.The Superintendent,
Central Prison, Puzhal.

4.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.
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