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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.2521 of 2025

R.Deepak Raj

...Petitioner/Accused 3

Vs.

State rep by
The Inspector of Police,
K-8, Arumbakkam Police Station.

(Crime No.441 of 2024)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.441 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.Jeyachandran

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



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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 22.10.2024, seeking bail in Crime No.441 of 2024 registered for the offence under Section 8(c), 22(b) and 29(1) of NDPS Act, 1985.

2.It is the case of the prosecution that the petitioner along with the other accused were found to be in illegal possession of 1033.50 grams of Methamphetamine and 10 grams of ganja. Hence, the case.

3.The learned counsel for the petitioner would submit that the allegations are false; that no recovery was made from the petitioner and the petitioner is sought to be implicated only based on the confession statement of A1; that similarly placed accused have been granted bail by this Court in CrI.O.P.Nos.30869, 31039 of 2024 & 832 of 2025 on 21.01.2025 and that the petitioner is in custody from 22.10.2024 and hence, further custody of the petitioner is not required for the purpose of investigation and sought for bail.



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4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the contraband has been seized and based on the confession of A1, the petitioner has been implicated in this case and that co-accused have been granted bail by this Court on 20.01.2025.

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.

6.It is seen that the co-accused were granted bail by this Court in Crl.O.P.Nos.30869, 31039 of 2024 & 832 of 2025 on 21.01.2025; that the petitioner is sought to be implicated based on the confession of co-accused and no recovery was made from the petitioner. Hence, this Court is of the view that the petitioner has satisfied the twin conditions required under Section 37 of the NDPS Act.



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7. Considering the nature of allegations, period of incarceration and the fact that co-accused have been granted bail by this Court on 20.01.2025 and that the petitioner has satisfied the requirement of Section 37 of NDPS Act and since further custody of the petitioner is not required for the purposes of interrogation, this Court this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 **Metropolitan Magistrate No.5, 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;



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[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 B.N.S.

28.02.2025

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Copy to:

- 1.The Inspector of Police,
K-8, Arumbakkam Police Station,
- 2.The Metropolitan Magistrate No.5, Egmore.
- 3.Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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