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Crl.O.P.No.2329 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2329 of 2025

Arunachalam @ Shiyam

... Petitioner

Vs.

State Rep. by,
The Inspector of Police,
H-4 Korukkupet Police Station
Chennai. (Crime No.617 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.617 of 2024, on the file of the Inspector of Police, H-4 Korukkupet Police Station.

For Petitioner : Mr.C.Raja

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 18.12.2024, seeking bail in Crime No.617 of 2024 registered for the offence under Sections 8(c) r/w.20(b)(ii)(B) & 29(1) of NDPS Act and u/s.77 of JJ Act.

2.The case of the prosecution is that on information, the respondent had arrested A1, who was found to be in possession of 2.400 kgs of ganja. The



allegation against the petitioner is that he had paid money for the purchase of ganja. Hence the 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 only evidence against the petitioner is that the co-accused had confessed about the involvement of the petitioner and that no recovery from the petitioner. Hence, he prayed for grant of bail to the petitioner.

4.Learned Government Advocate (Crl.vSide) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that A1 was found to be in possession of 2.400 kgs of ganja and based on the confession statement recorded from the co-accused, the petitioner was implicated in this case. He further submitted that there is no recovery 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 nature of allegation, nature of evidence collected and period of incarceration, this Court finds that further custody of the petitioner is not required. 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



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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 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 B.N.S.

31.01.2025

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SUNDER MOHAN, J.

sai

To

1.The XV Metropolitan Magistrate,
George Town, Chennai

2.The Inspector of Police,
H-4 Korukkupet Police Station
Chennai.

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

4.The Public Prosecutor,
High Court of Madras.

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