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Crl.O.P.No.2361 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.2361 of 2025

Sameer Razzak @ Sam

...Petitioner/Accused-5

Vs.

State through
The Inspector of Police,
T4, Maduravoyal Police Station,
Tiruvallur.

(Crime No.1365 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.1365 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.Arumugam

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 08.12.2024, seeking bail in Crime No.1365 of 2024 registered for the offence under Section 8(c) r/w 22(b) of NDPS Act, 1985 and Section 123 of BNS, 2023.

2.The case of the prosecution is that the petitioner along with the other accused were found to be in illegal possession of 38 gms of Methamphetamine for sale. Hence, the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case and in any case, considering the period of incarceration, the petitioner may be released on bail. He further submitted that co-accused has been granted bail by this Court in Crl.O.P.No.690 of 2025 dated 09.01.2025 and that custodial interrogation of the petitioner is not required. Hence, he prays for the grant of bail.



4.Per contra, learned Government Advocate (Crl.Side) reiterated the case of the prosecution and submitted that there are three previous cases pending against 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 allegations, period of incarceration and the fact that co-accused has been granted bail by this Court in Crl.O.P.No.690 of 2025 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.

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 **Judicial Magistrate No.II, Poonamallee**, 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.

17.02.2025

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Copy to:

1.The Inspector of Police,
T4, Maduravoyal Police Station,
Tiruvallur.

2.The Judicial Magistrate No.II, Poonamallee.

3.The Superintendent of Prison,
Central Prison, Puzhal.

4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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