



WEB COPY



Crl.O.P.No.2446 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2446 of 2025

Hamanathan @ Hamanathan

... Petitioner

Vs.

The State of Tamil Nadu

Rep. by the Inspector of Police,

M-4, Redhills Police Station, Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail pending before the Principal Sessions Judge NDPS Court Chennai case connected with the C.C.No.990 of 2024 in Crime No.694 of 2024 (on the file of the Inspector of Police, M-4, Redhills Police Station, Chennai).

For Petitioner : Mr.M.Illiyas

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 30.07.2024, seeking bail in C.C.No.990 of 2024, pending before the learned Principal Sessions Judge NDPS Court Chennai in connection with Crime No.694 of 2024, registered for the offence under Sections 8(c) r/w.20(b)(ii)(B), 29(1) of NDPS Act @ 8(c) r/w.20(b)(ii)(B), 22(c), 29(1) of NDPS Act.

2.The case of the prosecution is that the accused was found to be in



illegal possession of 2 kgs of ganja, with an intent to sell it at high price. 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 further submitted that the petitioner is in custody from 30.07.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. He further submitted that there is no previous cases pending against the petitioner under the NDPS Act and his further custody is not required for further investigation. Hence, he prayed for grant of 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, submitted that though there are no previous cases against the petitioner under the NDPS Act, he has previous cases under IPC and that there is possibility of petitioner absconding and committing similar offences.

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.Considering the nature of allegation, period of incarceration and that further custody of the petitioner is not required as final report has already been



Crl.O.P.No.2446 of 2025

filed before the trial 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 learned **Principal Sessions Judge, NDPS Court, 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 learned II Additional Sessions Judge, NDPS Court, Chennai, on every Monday and Friday 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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To

1.The Principal Sessions Judge,
NDPS Court, Chennai

2.The II Additional Sessions Judge,
NDPS Court, Chennai

3.The Inspector of Police,
M-4, Redhills Police Station
Chennai.

4.The Superintendent,
Central Prison, Puzhal, Chennai.

5.The Public Prosecutor,
High Court of Madras.



CrI.O.P.No.2446 of 2025

SUNDER MOHAN, J.
sai

CrI.O.P.No.2446 of 2025

31.01.2025