



WEB COPY



Crl.O.P.No.2643 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2643 of 2025

Jayakanthan

... Petitioner

Vs.

State: Rep. by
The Inspector of Police
V-1, Villivakkam Police Station
Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.728 of 2024, on the file of the respondent Police.

For Petitioner : Mr.R.Muthukumar

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 11.12.2024, seeking bail in Crime No.728 of 2024 registered for the offence under Section 8(c), 20(b)(ii)(B) and 25 of NDPS Act.

2.The case of the prosecution is that the petitioner was found to be in possession of 1 kg and 100 grams of ganja.



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 petitioner is in custody from 11.12.2024 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 there are six previous cases against the petitioner, for IPC 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 allegations, period of incarceration undergone by the petitioner, the quantity of contraband seized in this case, the fact that the previous cases have been registered for the offences under IPC and the petitioner was released on bail in all those cases 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.

7. Accordingly, the petitioner is ordered to be released on bail on his



Crl.O.P.No.2643 of 2025

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 **Special Judge,**

Principal Court for NDPS Act, 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 of B.N.S.

13.02.2025

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SUNDER MOHAN, J.

sai

To

1.The Special Judge,
Principal Court for NDPS Act,
Chennai

2.The Inspector of Police
V-1, Villivakkam Police Station
Chennai.

3.The Superintendent,
Central Prison, Puzhal, Chennai

4.The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.2643 of 2025

13.02.2025