



WEB COPY



Crl. O.P. No.2614 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2614 of 2025

Nithyanandam

... Petitioner/Accused

Vs.

The State represented by-

The Inspector of Police,
F-5 Choolaimedu Police Station,
Chennai.

(Crime No.682 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.682 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr. P.Praveen Kumar

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 26.12.2024, seeking bail in Crime No.682 of 2024 registered for the offences under Sections 8(c) r/w 20(b)(ii)(B)



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and 25 of NDPS Act, 1985.

2. The case of the prosecution is that on secret information, with regard to illegal sale of ganja, the respondent seized 1.110 Kilograms of Ganja from A1 and A2 and there were no recovery from the petitioner

3. Learned counsel appearing for the petitioner submitted that the allegations against the petitioner are false; that no recovery of contraband was made from this petitioner and he is sought to be implicated as an accused based on the confession of the co-accused; that quantity of contraband seized by the respondent from the co-accused is intermediate quantity; and that in any case, further custody of the petitioner is not required for the purpose of investigation and hence prayed for grant of bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and submitted that the petitioner is sought to be implicated as an accused based on the confession statement of co-accused and the petitioner has 3 other previous cases of similar nature and he is on bail in all those previous cases.

5. Heard the learned counsel appearing for the petitioner and the learned



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Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Considering the nature of allegations, period of incarceration, the fact that no recovery was made from this petitioner and contraband was seized from co-accused and based on their confession, the petitioner is sought to be implicated as an accused, though the petitioner has previous cases, he is on bail in those cases and since further custody of the petitioner is not required for the purpose of investigation, 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 **XVII Metropolitan Magistrate, Saidapet, Chennai.**

[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 daily at 10.30 a.m., until further orders;



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[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.

19.02.2025

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To

1. The XVII Metropolitan Magistrate, Saidapet, Chennai.
2. The Inspector of Police, F-5 Choolaimedu Police Station, Chennai.
3. The Superintendent of Police, Central Prison, Puzhal-II, Chennai.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.

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