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Crl. O.P. Nos.2627 & 2602 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.Nos.2627 & 2602 of 2025

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| 1. Sudha | ... Petitioner in Crl.O.P.No.2627 of 2025 / A2 |
| 2. Vinoth Kumar | ... Petitioner in Crl.O.P.No.2602 of 2025 / A1 |

Vs.

The State represented by,
The Sub Inspector of Police,
P4 Basin Bridge Police Station,
Pulianthope, Chennai – 600 012.
(Crime No.01 of 2025). ... Respondent in both cases

PRAYER: Criminal Original Petitions filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.01 of 2025, pending investigation on the file of the respondent Police.

For Petitioners : Mr.P.Santhosh
in both cases

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

COMMON ORDER

These Criminal Original Petitions have been filed by the petitioners, who were arrested and remanded to judicial custody on 02.01.2025, seeking bail in Crime No.01 of 2025 registered for the offence under Sections 20(b)(ii)(B), 22(b)



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r/w 8(c) of NDPS Act.

2. The case of the prosecution is that on secret information that two accused persons were involved in illegal sale of Ganja near Public Toilet at PH Road Gandhi Nagar, the respondent seized 750 gms of Ganja and 7 tablets of Nitrovet-10 from A1 and 550 gms of Ganja from A2.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent; that they are not at all involved in any offence; that they have been falsely implicated in this case; and that they are in judicial custody from 02.01.2025 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 2nd petitioner/A1 has six previous cases, out of which one is under NDPS and the 1st petitioner/A2 has twenty three previous cases and they are on bail in those cases.

5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the



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materials available on record.

6. Considering the nature of allegations, period of incarceration, the fact that the contraband seized is only an intermediate quantity, the petitioners are on bail in all the other previous cases and since further custody of the petitioners are not required for the purpose of investigation, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** each with **two sureties**, each for a like sum to the satisfaction of the learned **X Metropolitan Magistrate at Egmore, 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or



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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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 X Metropolitan Magistrate at Egmore, Chennai.
2. The Sub Inspector of Police, P4 Basin Bridge Police Station, Pulianthope, Chennai – 600 012.
3. The Superintendent of Police, Central Prison, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.

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