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Crl.O.P.No.2720 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2720 of 2025

Nagaraj

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
G5 Secretariat Colony Police Station,
Chennai.
(Crime No.06 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.06 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr. C. Jagan

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



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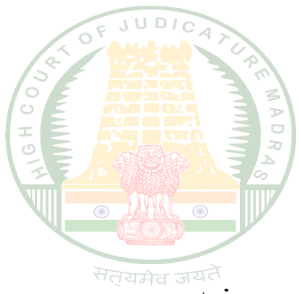
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ORDER

Petition seeking bail in respect of Crime No.06 of 2025 registered for the alleged offences punishable under Section 6(a) r/w 24(1) of COTPA Act and 77 of Juvenile Justice Act, is on board for consideration.

2. The case of the prosecution is that, on 12.01.2025, the respondent police found a minor boy with possession of 5 pockets of mava and upon enquiry, the minor boy had confessed that he had purchased the same from the petitioner herein. Thereafter, the respondent police went to the petitioner's house and upon search, they found another 86 pockets of mava. Hence, this case.

3. Learned counsel appearing for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case and has not committed any offence as alleged by the prosecution; that the petitioner has been arrested and remanded to judicial custody on 12.01.2025; without prejudice to his contention, is prepared to deposit an amount of Rs.10,000/- towards any charitable organization or association and also abide by any



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stringent condition that may be imposed by this Court. Therefore, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police opposed the grant of bail to the petitioner by stating that, the petitioner was found in possession of 910 grams of banned tobacco products; and that the petitioner has three previous cases, out of which two cases were registered in the year 2018 and one case in the year 2024.

5. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of "**Tamil Nadu Advocate's Clerk's Association, Account No.484026006, Branch : Indian Bank, High Court, IFSC No. IDIB000M157**", without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

6. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police, perused the



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materials available on record, taking note of the period of incarceration undergone by the petitioner and since further custody of the petitioner is not required for the investigation, this Court is inclined to grant bail to the petitioner with certain conditions and 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 II Metropolitan Magistrate, Egmore Court, Chennai** and on further conditions that:

[a] the petitioner and 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 tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during



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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

04.02.2025

stn

To

1. The II Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
G5 Secretariat Colony Police Station,
Chennai.



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SUNDER MOHAN, J.

stn

3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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