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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.2717 of 2025

Kamesh

...Petitioner/Accused 11

Vs.

State rep by
The Inspector of Police,
P6, Kodungaiyur Police Station.

(Crime No.828 of 2024)

...

Respondent

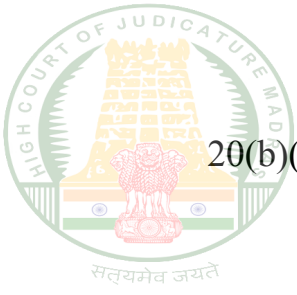
PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.828 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Muthuramalingam

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 24.11.2024, seeking bail in Crime No.828 of 2024 registered for the offence under Sections 8(c),



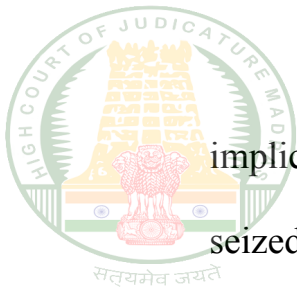
20(b)(ii)(B), 25 and 29(1) of NDPS Act, 1985.

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2.It is the case of the prosecution that based on a secret information, the respondent and his team conducted a search near Kodungaiyur, back side of Donbosco School; that during search, they have spotted a car in a suspicious manner and seized 21.9 kgs of ganja, which is a commercial quantity, and arrested A1 and A2; that their confession revealed that the accused had purchased the contraband from Andhra Pradesh and attempted to sell the same through the petitioner and other accused for their personal gain.

3.The learned counsel for the petitioner would submit that the petitioner is innocent; that based on the confession of A1 and A2, the petitioner is sought to be implicated in this case; that no recovery was made from the petitioner and co-accused have been granted bail by this Court in CrI.O.P.Nos.492 & 2044 of 2025 and that the petitioner has been in custody from 24.11.2024 and hence, further custody of the petitioner is not required.

4.Per contra, the learned Government Advocate (CrI. Side) reiterated the prosecution case and submitted that the petitioner is sought to be



implicated on the confession of A1 and A2 and the contraband has been seized and there are three previous cases pending against the petitioner.

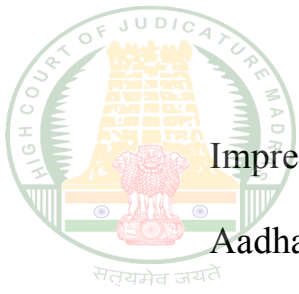
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5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, including the counter affidavit.

6. Considering the nature of allegations, period of incarceration, the fact that no recovery was made from the petitioner, the petitioner is on bail in all the cases and similarly placed co-accused have been granted bail by this Court in Crl.O.P.Nos.2044 & 492 of 2025 the rigors of Section 37 would not be applicable to the petitioner. Hence, 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 **V Metropolitan Magistrate, Egmore**, 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;

WEB COPY [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 B.N.S.

25.02.2025

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Copy to:

1.The Inspector of Police,
P6, Kodungaiyur Police Station.

2.The V Metropolitan Magistrate, Egmore.



3. Central Prison, Puzhal – II.

3. The Public Prosecutor,
High Court, Madras.

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SUNDER MOHAN, J.

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