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Crl.O.P.No.2784 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.2784 of 2025

Karan @ Kattu Karan

...Petitioner/Accused-14

Vs.

State through
The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai District.

(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.P.Muthamizhselvakumar

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



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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 22.12.2024, seeking bail in Crime No.828 of 2024 registered for the offence under Sections 8(c) r/w 20(b)(ii)(c), 25, 29(1) of NDPS Act.

2.It is the case of the prosecution that A1 was found in possession of 21.900 kgs of ganja and his confession revealed that he had purchased the contraband from A8 and A19 and that the petitioner had supplied the contraband to A. Hence, the case.

3.The learned counsel for the petitioner would submit admittedly no recovery was made from the petitioner and that the petitioner sought to be implicated only based on the confession of A1 and that custodial interrogation of the petitioner is not required and that co-accused have been granted bail by this Court in CrI.O.P.Nos.159 & 160 of 2025. Hence, he prays for the grant of bail.



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4.Per contra, learned Government Advocate (Crl.Side) reiterated the case of the prosecution and submitted that there are twelve previous cases pending against the petitioner including one under the NDPS Act for possession of intermediate quantity in the year 2020 and that the petitioner is on bail in all other cases.

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.

6.Admittedly, there was no recovery from the petitioner and that the petitioner was arrested only on the confession of A1. The only previous case against the petitioner under the NDPS Act was registered in the year 2020. Hence, this Court of the view that the twin conditions under Section 37 has been satisfied. The petitioner is on bail in all other cases and co-accused have been granted bail by this Court in Crl.O.P.Nos.159 & 160 of 2025.



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7.Considering the nature of allegations, period of incarceration and the fact that co-accused have been granted bail by this Court in Crl.O.P.No.159 & 160 of 2025 and that the petitioner has satisfied the requirement of Section 37 of NDPS Act and since further custody of the petitioner is not required for the purposes of interrogation, this Court this Court is inclined to grant bail to the petitioner with certain conditions.

8.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 **X Metropolitan Magistrate Court, 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;

[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;



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[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.

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SUNDER MOHAN, J.

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Copy to:

1.The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai District.

2.The X Metropolitan Magistrate Court, Egmore.

3.The Superintendent of Prison,
Central Prison, Puzhal, Chennai.

4.The Public Prosecutor,
High Court, Madras.

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