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Crl.O.P.No. 2828 of 2025

N THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2828 of 2025

Tamil Thambi

... Petitioner/Accused No.6

Vs.

State Rep. by
The Inspector of Police,
P-5 MKB Nagar Police Station
Chennai.
(Crime No. 929 of 2024)

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail in
Crime No. 929 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr. B.Sankar

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



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ORDER

Petition seeking bail in respect of Crime No.929 of 2024 registered for the offences punishable under Sections 8(c) read with 20(b)(ii)(B), 25 and 29(1) of NDPS Act 1985, is on board for consideration.

2. The case of the prosecution is that on 17.12.2024 on secret information, the respondent saw five persons standing with a plastic bag and found that they were in possession of 2.5 kgs of ganja and that the petitioner was found in possession of 300 grams of ganja.

3. The learned counsel for the petitioner would submit that the case against him is false; that in any case, he was found in possession of 300 grams of ganja and considering the period of incarceration from 21.12.2024, the petitioner may be granted bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police per contra would submit that 300 grams of ganja was seized from the petitioner and the petitioner has two previous cases; one case under Section 302 IPC and the other case under Section 307 IPC.



5. Considering the fact that the petitioner was found in possession of intermediate quantity; that the previous cases are not registered under NDPS Act and considering the period of incarceration and the further custody is not required for the purpose of 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 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 **X Metropolitan Magistrate, 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 petitioner shall report before the respondent Police on 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 of B.N.S.

05.02.2025

vsg

To

1. X Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
P-5 MKB Nagar Police Station
Chennai.
3. Central Prison, Puzhal, Chennai
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

vsg

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