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CrI.O.P.No.2992 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.No.2992 of 2025

Subramani
S/o.Murugesan,

...Petitioner/Accused-2

Vs.

State rep by
The Sub-Inspector of Police,
G2 Periamet Police Station,
Kilpauk,
Chennai.
Crime No.04 of 2025

...Respondent/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.04 of 2025 pending investigation on the file of the Inspector of Police, G-2, Periamet Police Station, Chennai District.

For Petitioner : Mr.R.Parthiban

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



ORDER

This Criminal Original Petition has been filed by the petitioner/A2, who was arrested and remanded to judicial custody on 04.01.2025, seeking bail in Crime No.04 of 2025 registered for the offences under Sections 191(2), 191(3), 126(2), 127(2), 296(b), 115(2), 140(2), 351(3), 309(4), 311 of BNS on the file of the respondent police. Later, while remanding the petitioner, the sections were altered to 191(2), 191(3), 126(2), 127(2), 296(b), 115(2), 140(2), 351(3), 309(4), and 311 of BNS r/w 8(c), 20(b)(ii)(B) of the NDPS Act.

2. The case of the prosecution is that the petitioner/A2, along with three other accused on instructions of A5, home guard, had threatened the witnesses, who had arrived by train from Odisha to Central Railway Station, and kidnapped them in an auto and demanded a ransom of Rs.50,000/-; that when the victims informed the *de-facto* complainant, a case was registered; that when the respondent police went to the scene of occurrence, they found the petitioner/A2 along with other accused in possession of 1.280 kgs of Ganja; and that A1 was in possession of 30 grams of Ganja and the petitioner was in possession of 1.250 grams of Ganja.



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3. Mr.R.Parthiban, the learned counsel for the petitioner/A2, would submit that the allegations against the petitioner are false; that in any case, he is in custody from 04.01.2025 and his further custody is not required for the purpose of investigation; and that the co-accused/A1, A3, and A4 were similarly placed and were released on bail by the learned Principal Special Judge (FAC), Principal Special Court under EC and NDPS Act, Chennai-600 104, vide its order dated 04.02.2025 in Crl. M.P. Nos. 445, 448 and 379 of 2025. Hence, he prayed for the grant of bail to the petitioner.

4. Mr.Leonard Arul Joseph Selvam, the learned Government Advocate (Crl.Side), *per contra*, on instructions submitted that the petitioner has two cases, one under Section 304A of the IPC and the other under Section 324 of the IPC.

5. In response, the learned counsel for the petitioner would submit that the case under Section 304A of the IPC was already disposed of.



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6. 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.

7. Considering the nature of the allegation, the fact that the co-accused have already been released on bail, and the fact that further custody is not required for the purpose of the investigation, 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 learned II 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;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;



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[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 of the B.N.S.

06.02.2025

dk

Copy to:

- 1.The Sub-Inspector of Police,
G2 Periamet Police Station,
Kilpauk,
Chennai.
- 2.The Superintendent of Prison,
Central Prison, Puzhal.
- 3.The II Metropolitan Magistrate,
Egmore.
- 4.The Public Prosecutor,



High Court, Madras.

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SUNDER MOHAN, J.

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