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CrI.O.P.No.2979 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.No.2979 of 2025

1. Kumaran
2.Jaganathan

...Petitioners/Accused-1 & 3

Vs.

The State Rep. By
The Inspector of Police,
Kariyalur Police Station,
Kallakurichi District.
(Crime No.267 of 2024)

....Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners/Accused on bail in Crime No.267 of 2024 on the file of the respondent.

For Petitioners : Mr.C.Deepakkumar

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

ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 22.12.2024, seeking bail



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in Crime No.267 of 2024 registered for the offence under Sections 8(c) r/w 20(b)(ii)(C) and 8(b) r/w 20(a)(i) of NDPS Act.

2.The case of the prosecution is that on a secret information, the respondent went to the occurrence place and found that the petitioners who are arrayed as A1 and A3, along with A2 and A4 were cultivating ganja plants, and that the petitioners had fled away on coming to know that the police personnel were verifying the said cultivation; that A2 and A4 were arrested and found to be in possession of 1600 ganja plants weighing about 104 kgs of ganja and that their confession revealed that the petitioners were also involved in the offence.

3.Learned counsel appearing for the petitioners submitted that the petitioners are innocent and the allegations are false; that the petitioners are sought to be implicated only on the confession of the co accused; that the petitioners have no previous case under NDPS or under any other law and that no contraband was recovered from the petitioners. Hence, he prayed for grant of bail to the petitioners.



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4.Per contra, learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the petitioners had absconded from the place and their involvement was revealed from the confession of A2 and A4 and confirmed that there are no previous cases against the petitioners.

5.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6.Admittedly, the petitioners were not found along with A2 and A4 when the police went to the scene of occurrence. No seizure was made from the petitioners. The petitioners are sought to be implicated only on the confession of the co-accused. There are no previous cases against the petitioners. Hence, this Court is of the view that the petitioners have satisfied the twin conditions under Section 37 of the NDPS Act.



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7. Considering the nature of allegations, period of incarceration and the fact that the petitioners have no bad antecedents and since further custody of the petitioners are not required for the purpose of investigation, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their 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 **Judicial Magistrate at Sangarapuram** 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;



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[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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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Copy to:

- 1.The Inspector of Police,
Kariyalur Police Station,
Kallakurichi District.
- 2.Central Prison, Villupuram.
- 3.The Judicial Magistrate, Sangarapuram.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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