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Crl.O.P.No.3230 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3230 of 2025

Sivakumar S

... Petitioner

Vs.

State of Tamil Nadu
Rep. by Inspector of Police
Velampalayam Police Station
Tiruppur City
Tiruppur District
(Crime No.999 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail pending investigation in Crime No.999 of 2024, on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 15.12.2024, seeking bail in Crime No.999 of 2024 registered for the offence under Sections 8(c) r/w.20(b)(ii)(B) of the NDPS Act.

2.The case of the prosecution is that on information, the respondent had



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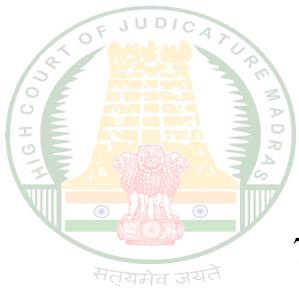
arrested the petitioner/A2 and the other accused, who were found to be in possession of 7.300 kgs of ganja, in particular, 1.200 kgs of ganja was recovered from this petitioner/A2.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is in custody from 15.12.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4.Learned Government Advocate (CrI.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the case of the prosecution. The learned Government Advocate further submitted that the there are no previous cases against the petitioner.

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

6.Considering the nature of allegation, counter affidavit filed by the respondent and the fact that there are no previous cases against the petitioner and the period of incarceration undergone by the petitioner, this Court finds that further custody of the petitioner is not required. Therefore, this Court is inclined to grant bail to the petitioner with certain conditions.



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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 learned **Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Tiruppur**, 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;

[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.

10.02.2025

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To



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SUNDER MOHAN, J.
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1.The Additional District Judge/Presiding Officer,
Special Court for Essential Commodities Act Cases,
Tiruppur

2.The Inspector of Police
Velampalayam Police Station
Tiruppur City
Tiruppur District

3.The Superintendent,
Central Prison,
Coimbatore.

4.The Public Prosecutor,
High Court of Madras.

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