



Crl.O.P.No.3551 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.3551 of 2025

1.Ruthran

2.Malles

...Petitioners/Accused 1 & 2

Vs.

State through
The Inspector of Police,
Kelamangalam Police Station,
Krishnagiri District.

(Crime No.120 of 2024)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.120 of 2024 pending investigation on the file of the respondent police.

For Petitioners : Mr.S.Panneer Selvan

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



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ORDER

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This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 30.05.2024, seeking bail in Crime No.120 of 2024 registered for the offence under Sections 8(c) r/w 20(b)(ii)(C) and 29(1) of NDPS Act, 1985.

2.It is the case of the prosecution that on a secret information, the respondent intercepted A3 and found that he was in possession of 25 kgs of ganja and his confession revealed that he had purchased the contraband from A1 and A2, the petitioners herein. Hence, the case.

3.The learned counsel for the petitioners would submit that the case had been foisted for statistical purpose; that apart from the confession of co-accused, there is no other evidence and no recovery was made from the petitioners and in any case, considering the period of incarceration, further custody of the petitioners is not required and sought for bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated



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the prosecution case and submitted that the petitioners were implicated on the confession of A3 and that no recovery was made from the petitioners and further submitted that the petitioners have one previous case of similar nature and they are on bail in that case.

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.Considering the fact that no recovery was made from the petitioner, the only material available against the petitioner is the confession of co-accused, this Court is of the view that the petitioners have satisfied the requirement of Section 37 of the NDPS Act. Hence, considering the aforesaid facts and the period of incarceration and the petitioners are on bail in the previous case and since further custody is not required, this Court is inclined to grant bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail on



their executing separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** each with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate No.II, Salem**, 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;

[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]***;



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[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,
Kelamangalam Police Station,
Krishnagiri District.
- 2.The Judicial Magistrate No.II, Salem.
- 3.The Superintendent of Prison,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.

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