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Crl OP No.3878 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3878 of 2025

1. Rajkumar
2. Amaravathy

... Petitioners

Versus

State rep by
Inspector of Police,
Karaiyur Police Station,
Kallakurichi District.
Crime No.32 of 2025

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioners on bail in the event of their arrest by the respondent police in Cr.No.32 of 2025.

For petitioners : Mr.V.Gunasekar

For Respondent : Mr.S.Balaji,
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 8(c) , 20(b)(ii)(B) of NDPS Act and 25(1B)(a) of Arms Act in Crime No.32 of



2025, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioners along with other accused were found to be in possession of 1.100 kgs of ganja along with country made gun. Hence the case.

3. Learned counsel appearing for the petitioners would submit that the allegations are false and based on the confession of the co-accused, the petitioners were implicated in this case. considering the nature of the allegations, the custodial interrogation of the petitioners is not required and sought for anticipatory bail.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police reiterated the prosecution case and submitted that the contraband of 1.100 kgs of ganja and the country made gun was seized from A1 and he has been arrested. He further submitted that the petitioners are relatives and there are no previous case against them. . However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned



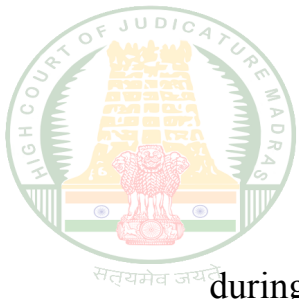
Government Advocate (Crl.side) for the respondent and perused the materials available on record.

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6. Considering the above said facts and the nature of allegations against the petitioners and there are no previous cases against them and the contraband and the country made gun were seized from the co-accused, the custodial interrogation of the petitioners is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on thier appearance, within a period of fifteen days from the date on which the order copy is made ready, before the ***Judicial Magistrate, Sankarapuram*** on condition that each of the petitioners shall execute seperate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a]]the petitioners shall report before the respondent police station daily at 10.30 a.m., until further orders.



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[b] the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

[d] 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 are 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]**;

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

17.02.2025

Vv

To

1. The Judicial Magistrate,
Sankarapuram
2. The Inspector of Police,
Karaiyur Police Station,
Kallakurichi District.
3. The Public Prosecutor,
High Court of Madras,
Chennai.

SUNDER MOHAN, J.

Vv



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