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Crl.O.P.Nos.4038 & 4039 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.Nos.4038 & 4039 of 2025

Moorthi

...Petitioner/Accused 2
in Crl.O.P.No.4038 of 2025

Amaladevi

...Petitioner/Accused 3
in Crl.O.P.No.4039 of 2025

Vs.

State through
The Sub Inspector of Police,
N2, Kasimedu Police Station,
Chennai.

(Crime No.36 of 2025)

...

Respondent in
both Petitions

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.36 of 2025 pending investigation on the file of the respondent police.

(In both OP's)

For Petitioner : Mr.G.Ezhilbalaji

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



COMMON ORDER

This Criminal Original Petitions have been filed by the petitioner, who were arrested and remanded to judicial custody on 16.01.2025, seeking bail in Crime No.36 of 2025 registered for the offence under Sections 8(c), 20(b)(ii)(B) and 29(1) of NDPS Act.

2.It is the case of the prosecution that the petitioner along with the other accused were found to be in illegal possession of 1.200 grams of ganja. Hence, the case.

3.The learned counsel for the petitioner in both the petitions would submit that the petitioner is innocent and he has been falsely implicated in this case and that the contraband has been seized.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the case of the prosecution and submitted that the contraband has been seized and that there are six previous cases as against A2 and two previous cases against A3 registered under the prohibition Act.



5.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, including counter affidavit.

6.Considering the period incarceration and the fact that the contraband seized is intermediate quantity and the petitioner is on bail in other previous cases and since further custody of the petitioner is not required for the purposes of interrogation, this Court this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, both 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 **XVI Metropolitan Magistrate, GT, Chennai**, 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]***;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

17.02.2025

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Copy to:

- 1.The Sub Inspector of Police,
N2, Kasimedu Police Station,
Chennai.
- 2.The XVI Metropolitan Magistrate, GT, Chennai.
- 3.The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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