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CRL O.P. No.3851 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.02.2025

CORAM:

THE HON'BLE MR.JUSTICE **SUNDER MOHAN**

CRL O.P. No.3851 of 2025

1. Shankar K
2. Deepak

... Petitioners/Accused 4 and 5

Vs

State rep. by:-

The Inspector of Police
P-6 Kodungaiyur Police Station,
Pulianthope, Chennai.
[Cr.No.39 of 2025]

...Respondent/Complainant

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to enlarge the petitioners on bail pending investigation in the event of arrest in the Crime No.39 of 2025 on the file of the Sub Inspector of Police, P-6 Kodungaiyur Police Station, Pulianthope, Chennai.

For Petitioners : Mr.Shriharan R

For Respondent : Mr.S.Balaji,
Government Advocate
[Criminal side]



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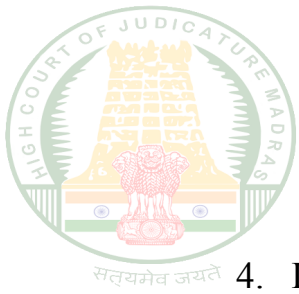
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ORDER

The petitioners/accused 4 and 5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 8(c) r/w 20(b)(ii)(A) and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985, and Section 132 of the Bharatiya Nyaya Sanhita (BNS), 2023, with the case in Crime No.39 of 2025, seek anticipatory bail.

2. The case of the prosecution is that on information, the first accused was found in possession of 100 gms of Ganja, and on the confession of the first accused, the petitioners were made an accused. Hence, the case.

3. Learned counsel for the petitioners/A4 and A5 would submit that the petitioners are innocent and they are sought to be implicated on the confession of the first accused; that the first accused was arrested and released on bail; and that the custodial interrogation of the petitioners is not required and sought for anticipatory bail to the petitioners.



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4. Learned Government Advocate (Crl.Side) for the respondent on instructions would submit that the petitioners are sought to be implicated based on the confession of the co-accused; and that they are having one previous case registered under the Indian Penal Code. Hence, he opposed the grant of anticipatory bail to the petitioners.

5. Heard the learned counsel 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 contraband has been seized from the petitioners; that they are sought to be implicated on the confession of co-accused; that there is no previous case against them under the NDPS Act, this Court is of the view that the custodial interrogation of the petitioners is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **X Metropolitan Magistrate at Egmore, Chennai**, on condition that each petitioner shall execute a separate



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bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, with two sureties each 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 and 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.

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

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

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

[f] 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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[g] If the accused thereafter abscond, a fresh FIR can

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be registered under Section 269 B.N.S.

17.02.2025

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To

- 1.The X Metropolitan Magistrate Egmore, Chennai.
2. The Public Prosecutor, High Court, Madras.
- 3.The Sub Inspector of Police, P-6, Kodugaiyur Police Station,
Pulainthope Chennai.



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SUNDER MOHAN,J.

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