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Crl.O.P.No.4041 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.4041 of 2025

Shakthivignesh

...Petitioner/Accused

Vs.

State through
The Inspector of Police,
V1, Villivakkam Police Station,
Chennai.

(Crime No.772 of 2024)

...

Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.772 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Lingesan

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 26.12.2024, seeking bail



in Crime No.772 of 2024 registered for the offence under Sections 8(c) r/w 22(b), 25 and 29(1) of NDPS Act @ 8(c) r/w 22(c), 25 and 29(1) of NDPS Act, 1985.

2.It is the case of the prosecution that the petitioner along with the other accused were found to be in illegal possession of 3 grams of MDMA powder, 3.2 grams of Methamphetamine and 2 LSD Stamps. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and that he sought to be implicated only based on the confession of A1 and that custodial interrogation of the petitioner is not required and that there is no previous cases against the petitioner. Hence, he prays for the grant of bail.

4.Per contra, learned Government Advocate (Crl.Side) reiterated the case of the prosecution and submitted that there is no previous case against the petitioner and the contraband was seized.



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. The petitioner is sought to be implicated only based on the confession of A1 and there is no previous case pending against the petitioner. Hence, this Court is of the view that the requirement of twin conditions in Section 37 has been satisfied. Hence, considering period of incarceration and since further custody of the petitioner is not required for the purposes of interrogation, this Court is inclined to grant bail to the petitioner with certain conditions.

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 **XIII Metropolitan Magistrate Court, 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 petitioner shall report before the respondent Police,
everyday at 10.30 a.m., until further orders;

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[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.

17.02.2025

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Copy to:

1.The Inspector of Police,
V1, Villivakkam Police Station,
Chennai.

2.The XIII Metropolitan Magistrate Court, 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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