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Crl.O.P.Nos.4262 & 4265 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.Nos.4262 & 4265 of 2025

Rajesh Kumar

...Petitioner/Accused 1
in Crl.O.P.No.4262 of 2025

Selva

...Petitioner/Accused 5
in Crl.O.P.No.4265 of 2025

Vs.

State through
The Inspector of Police,
T-4, Maduravoyal Police Station,
Chennai.

(Crime No.36 of 2025)

... Respondent in both OP's

COMMON 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.R.Hari Babu

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



COMMON ORDER

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These Criminal Original Petitions have been filed by the petitioners, who were arrested and remanded to judicial custody on 08.01.2025, seeking bail in Crime No.36 of 2025 registered for the offence under Sections 123, 278 of BNS r/w Section 77 of JJ Act, 2015.

2.It is the case of the prosecution that the petitioners/A1 & A5 were found to be in illegal possession of 1450 nos of Tydol tablets worth about Rs.5,50,000/-. Hence, the case.

3.The learned counsel for the petitioner in both the petitions would submit that the petitioners are innocent and they have been falsely implicated in this case and that the contraband has been seized and the petitioners have been in custody from 08.01.2025 and hence, further custody of the petitioners is not required. Hence, he prays for the grant of bail.



4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the contraband has been seized and that A1 is having one previous case and A5 has no previous cases against them.

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 period incarceration and the fact that the contraband was seized and that A1 is on bail in other case and no previous case is pending against A5 and since further custody of the petitioners is not required for the purpose of interrogation, this Court is inclined to grant bail to the petitioners with certain conditions.

7.Accordingly, the 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 **Judicial Magistrate II Poonamallee**, and on further conditions that:



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[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 petitioner 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.

19.02.2025

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Copy to:

- 1.The Inspector of Police,
T-4, Maduravoyal Police Station,
Chennai.
- 2.The Judicial Magistrate II, Poonamallee.
- 3.The Superintendent of Prison,
Central Prison I, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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