



CRL O.P. No.4133 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.02.2025

CORAM:

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

CRL O.P. No.4133 of 2025

1.Prashanth

2.Boopalan

... Petitioners/Accused - A1 and A3

Vs

The Sub-Inspector of Police,
Kilkodungalore Police Station,
Tiruvannamalai District.
Crime No.16 of 2025.

...Respondent/Complainant

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., 2023, praying to enlarge the petitioners on bail in the event of their arrest by the respondent police in Crime No.16 of 2025 on the file of the respondent police.

For Petitioners : Mr.Sarath Kumar S

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



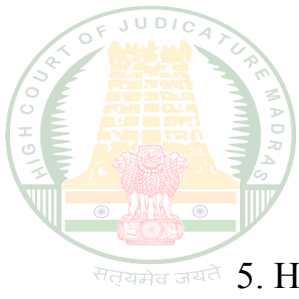
ORDER

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 123 of the BNS Act, 2023 and Section 8(c), 20(b)(ii)(A) of the NDPS Act, 1985 with the case in Crime No.16 of 2025, seek anticipatory bail.

2. It is the case of the prosecution that on information, the respondent was found A2 in possession of 200 grams of Ganja; that on the confession A2, it was revealed that the petitioners/A1 and A3 had assisted A2 in selling the Ganja. Hence, the case.

3. Learned counsel for the petitioners/A1 and A3 would submit that the allegations are false; that apart from the confession of the co-accused/A2, there is no other material recovered from the petitioners and in any case, the custodial interrogation of the petitioners/A1 and A3 is not required and sought anticipatory bail for the petitioners.

4. Learned Government Advocate (Crl.Side) for the respondent, per contra, submitted that the petitioners have bad antecedents; that the first petitioner/A1 has two previous cases under the NDPS Act and the second petitioner/A3 has one previous case under the NDPS and in all those cases, the petitioners are on bail.



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5. Heard both sides and perused the materials available on record.

6. Considering the fact that the petitioners are on bail in all the previous cases, no contraband was seized from the petitioners, the petitioners/A1 and A3 are sought to be implicated on the confession of the co-accused/A2 and since the custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners on 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 **Judicial Magistrate, Vandhavasi** on condition that each petitioner shall execute a separate 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:



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[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.

[b] the petitioners shall report before the respondent police every day at 10.30 a.m., until further orders.

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

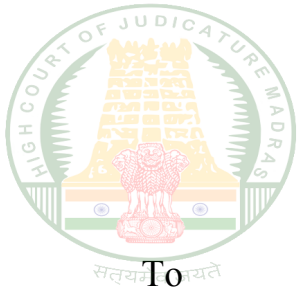
[d] the petitioners shall not abscond either during investigation or trial.

[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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

18.02.2025

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To

1. The Judicial Magistrate, Vandhavasi.
2. The Public Prosecutor, High Court, Madras.
3. The Sub-Inspector of Police, Kilkodungalore Police Station,
Tiruvannamalai District.



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SUNDER MOHAN,J.

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