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Crl.O.P.No.4341 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.No.4341 of 2025

Santhabai Santhakumar

...Petitioner/Accused-1

Vs.

State through

The Inspector of Police,

P-1, Pulianthope Police Station,

Chennai District.

(Crime No.42 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.42 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.P.Muthamizhselvakumar
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 25.01.2025, seeking bail in Crime No.42 of 2025 registered for the offence under Sections 8(c) r/w



20(b)(ii)(B) and 29(1) of NDPS Act and Section 25(1)(a) of Arms 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 1.250 kgs of ganja.

Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he is sought to be implicated only based on the confession of co-accused, the co-accused/A2 has been granted bail by this Court and that custodial interrogation of the petitioner is not required. 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 are six previous cases, including one under NDPS Act, is pending against the petitioner and is on bail in all those cases and the contraband has been seized. He further confirmed that co-accused/A2 has been granted bail by this Court vide order dated 17.02.2025 in Crl.O.P.No.4032 of 2025.

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.

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6.Considering the nature of allegations, period of incarceration and the fact that no recovery was made from the petitioner and the petitioner is sought to be implicated only based on confession of co-accused and that the contraband seized is intermediate quantity and that the petitioner is in bail in all other previous cases, the co-accused/A2 has been granted bail 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, 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 **X Metropolitan Magistrate Court, Egmore**, 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.

19.02.2025

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Copy to:

- 1.The Inspector of Police,
P-1, Pulianthope Police Station,
Chennai District.
- 2.The X Metropolitan Magistrate Court, Egmore.
- 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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