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Crl.O.P.No.5185 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No. 5185 of 2025

and

Crl.M.P.No.3357 of 2025

Chanakiya @ John

..... Petitioner

Vs

The State Rep by,
The Inspector of Police
Annadanapatti Ps,
Salem.
(Crime No 53/2024)

..... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 12.02.2025 made in Crl.M.P.No.1873 of 2024 on the file of the Special Court for EC and NDPS Act cases, Salem by allowing the above Criminal Original Petition.

For Petitioner : Mr.R.T.Vishnu

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)



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ORDER

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This Criminal Original Petition has been filed challenging the order dated 12.02.2025 passed in CrI.M.P.No.1873 of 2024 by the Special Court for EC & NDPS Act Cases, Salem, thereby dismissing the bail granted to the petitioner in CrI.M.P.No.1395 of 2024 and issued a Non-Bailable Warrant as against the petitioner to secure him.

2. The petitioner was arrested and remanded to judicial custody in pursuant to the registration of the FIR in Crime No.53 of 2024 on the file of the respondent. The FIR was registered for the offences under Sections 8(c) r/w. 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, alleging that the petitioner was found to be in possession of 1.200 kg of Ganja. After his arrest, the petitioner filed a petition for bail in CrI.M.P.No.147 of 2024 before the Special Court for EC & NDPS Act, Salem and he was granted bail by an order dated 27.02.2024. However, after his release, the petitioner was served with a summon pursuant to the registration of the FIR in Crime No.163 of 2022 on the file of the Inspector of Police, Kitchipalayam Police Station. Therefore,



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the petitioner filed a petition for anticipatory bail before this Court and the petitioner was granted bail.

3. In the meanwhile, the respondent filed a petition in CrI.M.P.No.416 of 2024 for cancellation of the bail granted to the petitioner on the ground that the petitioner failed to comply with the conditions imposed by this Court and the same was allowed by an order dated 08.04.2024. Thereafter, the petitioner was arrested and remanded to judicial custody on 06.08.2024.

4. Once again, the petitioner filed a petition for bail before the Trial Court in CrI.M.P.No.1395 of 2024 and the same was allowed on the condition that the petitioner shall appear before the respondent police daily at 10.00 a.m for 60 days. However, on 24.09.2024, another FIR was registered at Kitchipalayam Police Station in Crime No.488 of 2024 and the petitioner was arrested and remanded to judicial custody on 26.09.2024. As a result, the petitioner could not able to comply with the condition imposed by the Trial Court.



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5. Further, the petitioner was detained under Goondas Act on 18.10.2024. Subsequently, the Advisory Committee did not approve the detention on 25.11.2024. In the meanwhile, once again, the respondent filed a petition in Crl.M.P.No.1873 of 2024 for the cancellation of bail on the ground that the petitioner failed to comply with the condition imposed by the Trial Court and the same was allowed by an order dated 12.02.2025 and a Non-Bailable Warrant was issued.

6. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the investigation in Crime No.53 of 2024 is still pending.

7. Admittedly, the petitioner was detained under Goondas Act on 18.10.2024. Even before the said detention order, the petitioner was arrested and remanded to judicial custody on 26.09.2024, pursuant to the registration of the FIR in Crime No.488 of 2024 on the file of the Kitchipalaym Police Station. Therefore, the petitioner was unable to comply with the condition.



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8. Considering the facts and circumstances of the case, this Court is inclined to set aside the order dated 12.02.2025 passed in CrI.M.P.No.1873 of 2024 by the Special Court for EC & NDPS Act Cases, Salem. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall appear before the respondent police daily at 10.00 a.m., for a period of 30 days starting from 26.02.2025. Consequently, connected miscellaneous petition is closed.

25.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp

To

1. The Special Court for EC and NDPS Act cases,
Salem

2. The Inspector of Police
Annadanapatti Ps,
Salem.

3. The Public Prosecutor,
High Court, Madras.



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