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Cr1.O.P.No.5226 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Cr1.O.P.No.5226 of 2025

K.Raguraj

... Petitioner

Vs.

State Rep. by the Inspector of Police
Ambattur Police Station, Chennai
(Crime No.236 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in C.C.No.876 of 2024 pending before the learned II Additional Special Judge, Special Court for EC & NDPS Act.

For Petitioner : Mr.M.G.Martin Manivannan

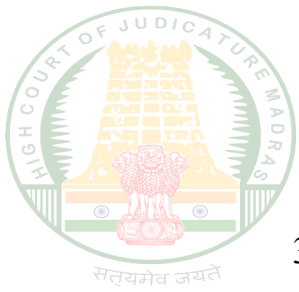
For Respondent : Mr.Leonard Arul Joseph Selvam

Learned Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed by the petitioner/A4, who was arrested and remanded to judicial custody on 28.11.2024, seeking bail in Crime No.236 of 2024 registered for the offence under Section 8(c) r/w. 22(c), 25 & 29(1) of the NDPS Act.

2.The case of the prosecution is that on secret information, the respondent found A1 & A2 in possession of 60 grams of Methamphetamine each, on their confession it was revealed that they had purchased it from A3 and A3's confession revealed that he had purchased it from A4, who is the petitioner herein.



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3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case based on the confession statement of main accused. He also submitted that the previous case also was foisted against the petitioner on the confession of the co-accused and further submitted that the petitioner has satisfied the twin conditions under Section 37 of the NDPS Act. The learned counsel further submitted that even as per the final report, the respondent have not accused the petitioner on any offence, though he has been named as an accused in the FIR. Hence, he prayed for grant of bail to the petitioner.

4.Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and confirmed that the petitioner was made as accused on the confession of the co-accused and final report has also been filed in C.C.No.876 of 2024.

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 the counter affidavit of the respondent.

6.The petitioner was implicated on the confession of the co-accused and no recovery was made from the petitioner. Admittedly there is no other material connecting the petitioner with the other accused, who were in possession of the



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contraband. Though the learned Government Advocate submitted that the petitioner was involved in a previous case, even in that case he was implicated on the confession of the co-accused. Hence this Court is of the view that the petitioner has satisfied the twin conditions under Section 37 of the NDPS Act. Hence considering the nature of allegations, period of incarceration undergone by the petitioner, the aforesaid facts, and since final report has been filed and further custody is not required for the purpose 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 learned Special Judge, Special Court for EC & NDPS Act, 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;

[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



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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 of B.N.S.

05.03.2025

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SUNDER MOHAN, J.
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To

1.The Special Judge,
Special Court for EC & NDPS Act

2.The Inspector of Police
Ambattur Police Station, Chennai

3.The Superintendent,
Central Prison, Puzhal.

4.The Public Prosecutor,
High Court of Madras.

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