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CrI.O.P.No.5211 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.5211 of 2025

Ajay Kumar Maharana

... Petitioner/A1

Vs.

State, Rep. by the Inspector of Police

R.K.PET Police Station,

R.K.PET PEW Thiruvallur.

(Crime No.14 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on bail in the event of arrest Crime No.14 of 2025, on the file of the respondent Police.

For Petitioner : Mr.P.K.Ganesh

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(B), 29(1) of NDPS Act, in Crime No.14 of 2025, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on secret information the respondent seized 10 kgs of Ganga from A3 and A4, who were travelling from Tirupathi to Chennai; that on their confession, it was revealed that they purchased the contraband from A1. Hence, the case was registered for the



aforesaid offences.

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3.Learned counsel appearing for the petitioner would submit that the allegations are false; that the petitioner is sought to be implicated only on the confession of the co-accused; that the petitioner has no bad antecedents; that there is no other material connecting the petitioner with the other accused; and that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and prayed for anticipatory bail to the petitioner.

4.Learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and fairly submitted that the petitioner is sought to be implicated only on the confession of the co-accused and the petitioner has no bad antecedents.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record.

6. Considering the nature of allegations against the petitioner; the fact that the petitioner is sought to be implicated only on the confession of the co-accused and there is no other material connecting the petitioner with the other



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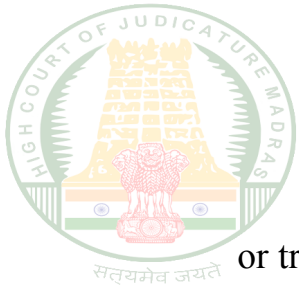
accused; and that the petitioner has no bad antecedents, this Court is of the view that custodial interrogation of the petitioner is not required for the purpose of investigation. The petitioner is from Odisha and hence, this Court is of the view that he may be directed to produce a surety, who is a blood relative.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate, Tiruttani**, on condition that the 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, **out of which one should be a blood relative** 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 condition that:

[a] the petitioner 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 petitioner shall report before the respondent police, daily at 10.30 a.m., until further orders.

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



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

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[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 of B.N.S.

26.02.2025

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CrI.O.P.No.5211 of 20

SUNDER MOHAN, J.

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To
1.The Judicial Magistrate, Tiruttani.

2.The Inspector of Police
R.K.PET Police Station,
R.K.PET PEW Thiruvallur.

3.The Public Prosecutor,
High Court, Madras.

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