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Crl.O.P.No.5242 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.5242 of 2025

Govindan @ Malaikan Govindan

...Petitioner/Accused

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
N-2, Kasimedu Police Station,
Chennai.

....Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner/Accused on bail pending investigation of the case in the Crime No.691 of 2024 on the file of the respondent police, (N-2, Kasimedu Police Station).

For Petitioner : Mr.M.Illiyas

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 28.01.2025, seeking bail



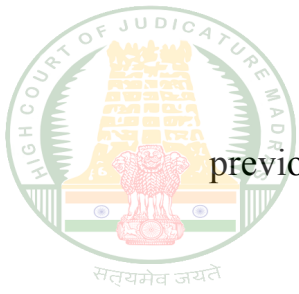
in Crime No.691 of 2024 registered for the offence under Sections 8(c) r/w.20(b)(ii)(B), 25, 29(1) of the NDPS Act.

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2.The case of the prosecution is that on a secret information, the respondent arrested A1 to A3 who were found to be in illegal possession of 1 Kg 200 Grams of Ganja; that they have purchased the said contraband from A5 and selling the same along with the petitioner/A6. Hence, the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is innocent, based on the confession statement of the co-accused the petitioner is sought to be implicated and that he has no previous case. He further submitted that the contraband seized is intermediate quantity and that the petitioner is in custody from 28.01.2025. Hence, he prayed for grant of bail to the petitioner.

4.Per contra, learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and filed a counter affidavit and submitted that the contraband has been seized and that no



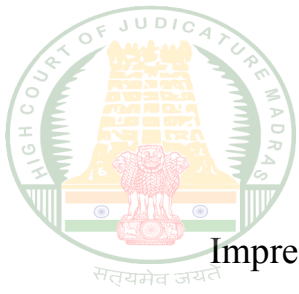
previous case is pending against the petitioner

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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.

6. Considering the period of incarceration, the fact that the contraband has been seized, the petitioner is sought to be implicated on the confession of the co-accused and no previous case is pending against the petitioner and since further custody of the petitioner is not required for the purpose of investigation, 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 **XV Metropolitan Magistrate, George Town, Chennai**, 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;

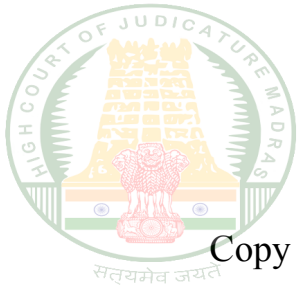
[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner 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.

26.02.2025

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- 1.The Inspector of Police,
N-2, Kasimedu Police Station,
Chennai.
- 2.Central Prison, Puzhal, Chennai.
- 3.The XV Metropolitan Magistrate, George Town,
Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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