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Crl.O.P.No.5446 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.5446 of 2025

1.Rani Sivalingam
2.Chinarasu Srinivasan

...Petitioners/Accused 2 & 3

Vs.

State rep by
The Inspector of Police,
Thimmampettai Police Station,
Thirupathur.
(Crime No.267 of 2024)

... Respondent

PRAYER: This criminal original petition has been filed under Section 482 of BNSS to enlarge the petitioners on anticipatory bail in Crime No.267 of 2024 pending investigation on the file of the respondent police.

For Petitioners : Mr.S.Prabhu

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

ORDER

This Criminal Original Petition has been filed by the petitioners, who apprehend arrest at the hands of the respondent police, seeking anticipatory



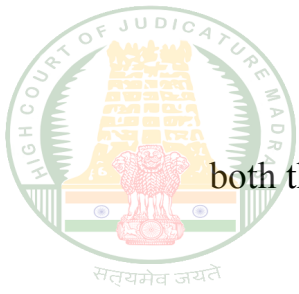
bail in Crime No.267 of 2024 registered for the offence under Sections 8(c), 20(b)(ii)(B) and 29(1) of NDPS Act.

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2. The case of the prosecution is that on a secret information, the respondent conducted a search and found A1 in possession of 5.500 kilograms of ganja; that the petitioners were implicated on the confession of the co-accused and that the allegations is that, A1 used to sell the contraband through the petitioners/A2 and A3. Hence the case.

3.The learned counsel for the petitioners would submit that the allegations are false; that the petitioners are sought to be implicated on the confession of the co-accused and there is no recovery from the petitioners and in any case, their custodial interrogation is not necessary and sought for anticipatory bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that 5.500 kgs of ganja is intermediate quantity; that the confession of A1 reveals that the petitioners helped A1 in doing retail sale and further submitted that there are previous cases against



both the petitioners under the NDPS Act and other IPC offences.

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

6.Considering the nature of allegations against the petitioners, the fact that no contraband has been seized from the petitioners, the fact that they are sought to be implicated on the confession of the co-accused and they are in bail in other previous cases, this Court is of the view that custodial interrogation of the petitioners is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions:

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of copy of this order, before the learned Judicial Magistrate, Vaniyampadi, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent



police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

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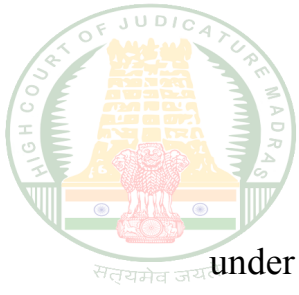
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall deposit an amount of Rs.10,000/- each to the District Legal Services Authority, Chennai and also report before the respondent police every day at 10:30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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Copy to:

- 1.The Inspector of Police,
Thimmampettai Police Station,
Thirupathur.
- 2.The Judicial Magistrate, Vaniyampadi.
- 3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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