



Crl.O.P.No.5458 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 28.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.5458 of 2025

Abinesh

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
S-8, Adambakkam Police Station,
Chennai District.
(Crime No.479 of 2024)

... Respondent

PRAYER: This criminal original petition has been filed under Section 482 of BNSS to enlarge the petitioner on anticipatory bail in Crime No.479 of 2024 pending investigation on the file of the respondent police.

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who apprehends arrest at the hands of the respondent, seeking anticipatory bail in Crime No.479 of 2024 registered for the offence under Sections 8(c), 20(b)(ii)(B) of NDPS Act.



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2. The case of the prosecution is that on a secret information, the respondent police went to the scene of occurrence and found A1, A2 along with other accused in illegal possession of 1,100 kgs ganja and on seeing the police personnel, the petitioner, who is arrayed as A4, escaped from the scene of occurrence.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case; that the contraband was seized; that he is sought to be implicated only on the confession of the co accused who was in possession of intermediate quantity and since custodial interrogation of the petitioner is not required for the purpose of investigation, he sought for grant of anticipatory bail.

4. The learned Government Advocate (Crl.Side) reiterated the prosecution case and submitted that the petitioner absconded from the scene of occurrence and he was in joint possession of the said contraband along with other accused and further submitted that three previous cases are pending against the petitioner.



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WEB COPY 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 nature of allegations, period of incarceration and the fact that the contraband was seized and the petitioner is sought to be implicated on the confession of the co-accused; that no recovery was made from the petitioner; that the petitioner is on bail in all the other previous cases and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 of receipt of copy of this order, before the learned **Judicial Magistrate – II, Alandur**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for



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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:

[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.

28.02.2025

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Copy to:

- 1.The Inspector of Police,
S-8, Adambakkam Police Station,
Chennai District.
- 2.The Judicial Magistrate – II, Alandur.
- 3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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