

WEB COPY

Crl.O.P.No.5937 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5937 of 2025

Diwan Mohamed

... Petitioner

Vs.

State Rep. by the Inspector of Police
Madhavaram Police Station
Chennai. (Crime No.1176 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.1176 of 2024 on the file of the respondent.

For Petitioner : Ms.V.Kayalvizhi

For Respondent : Mr.Leonard Arul Joseph Selvam

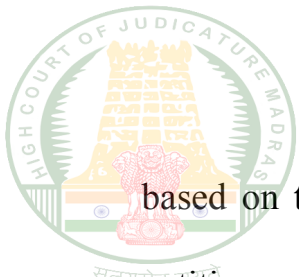
Learned Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed by the petitioner/A3, who was arrested and remanded to judicial custody on 26.12.2024, seeking bail in Crime No.1176 of 2024 registered for the offence under Section 8(c) r/w.22(c), 29(1) and 25 of NDPS Act.

2.The case of the prosecution is that there are totally fifteen accused in this case and 17.821 kgs of Methamphetamine had been recovered from the accused persons.

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 petitioner is in custody from 26.12.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. 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. The learned Government Advocate further submitted that the petitioner was arrested on a PT warrant since he was confined in Crime N.233 of 2024, that no recovery has been made from the petitioner and that there is one previous case under NDPS Act pending against the petitioner.

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 filed by 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 contraband. The petitioner has one previous case and is on bail in the said case. 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, and the aforesaid facts, and since 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 Judicial Magistrate, Ambattur, 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;

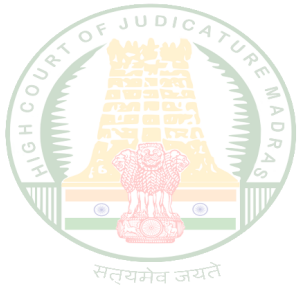
[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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 of B.N.S.

04.03.2025

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SUNDER MOHAN, J.

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1.The Judicial Magistrate, Ambattur.

2.The Inspector of Police
Madhavaram Police Station
Chennai.

3.The Superintendent,
Central Prison II, Puzhal, Chennai.

4.The Public Prosecutor,
High Court of Madras.

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