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Crl.O.P.No.5839 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.5839 of 2025

Muthuvel @ Muruganandham

...Petitioner/A7

Vs.

State Rep. by its
Inspector of Police,
N2, Kasimedu Police Station,
Chennai.
(Crime No.691 of 2024)

....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.

For Petitioner : Mr.G.Ezhil Balaji

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.

2.The case of the prosecution is that the petitioner along with the other accused had entered into a conspiracy for illicit transportation and sale of 3 Kilo 700 gms of ganja. Hence, the case.

3.Learned counsel appearing for the petitioner submitted that the allegations against the petitioner are false and that the petitioner is innocent; that 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 no seizure was made from the petitioner and that the co-accused was granted bail by the learned Principal Sessions Judge EC & NDPS Act, Chennai and hence, he prayed for the grant of bail.

4.Per contra, learned Government Advocate (CrI.Side) appearing for the respondent police reiterated the prosecution case and submitted that the contraband has been seized and that no seizure was made from the petitioner



and also no previous case is pending against the petitioner.

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

6. The contraband was seized from the co-accused. The petitioner is sought to be implicated on the confession of co-accused. The petitioner was not found in possession of contraband and there is no other material to connect him with the other accused. There is no previous case pending against the petitioner. Considering the nature of allegations and the period of incarceration, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation. Hence, 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 XVI Metropolitan Magistrate, GT, 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, every day 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.

03.03.2025

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Copy to:

- 1.The Inspector of Police,
N2, Kasimedu Police Station,
Chennai.
- 2.Central Prison, Puzhal, Chennai.
- 3.The XVI Metropolitan Magistrate, GT, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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