

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.5870 of 2025

D.Rajesh @ Otteri Rajesh

...Petitioner/Accused-4

Vs.

State Rep. By:

The Inspector of Police,
P-6, Kodungaiyur Police Station,
Pulianthope, Chennai.
(Crime No.804 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.804 of 2024 on the file of the respondent police.

For Petitioner : Mr.P.Dhanasekaran

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 11.11.2024, seeking bail

in Crime No.804 of 2024 registered for the offence under Sections 8(c), 22(b)(ii)(C), 25, 29(1) of the NDPS Act, 1985.

2.The case of the prosecution is that on secret information, A1 and A2 were found in illegal possession of 21.202 kgs of ganja, 100 grams of ganja oil and 20 grams of ganja chocolate for sale and that on enquiry, it was revealed that the petitioner used to purchase ganja from A1 to A3, and selling the same in the retail market.

3.Learned counsel appearing for the petitioner submitted that the petitioner is innocent and the allegations are false; that the petitioner is sought to be implicated only on the confession of co-accused and no recovery was made from the petitioner and considering that similarly placed co-accused were released on bail, he prayed for grant of bail to the petitioner.

4.Per contra, the learned Government Advocate (CrI.Side) appearing for the respondent police reiterated the prosecution case and confirmed the fact that the petitioner was implicated on the confession of the co-accused.

There are two previous cases against the petitioner registered in the years 2019 and 2021 for the possession of small quantity and intermediate quantity respectively.

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. Admittedly, there is no recovery from the petitioner. He is sought to be implicated only on the confession of the co-accused. There is no other material connecting the petitioner with other accused. In the two earlier cases against him, which were registered in the years 2019 and 2021, the petitioner is on bail. Hence, this Court is of the view that the petitioner has satisfied the twin conditions under Section 37 of the NDPS Act. Further the co-accused had granted bail by this Court in Crl.O.P.Nos.32168 of 2024, 799 of 2025 and 1615 of 2025 by orders dated 21.12.2024, 20.01.2025 and 24.01.2025 respectively and also in Crl.O.P.No.3730 of 2025 dated 17.02.2025.

7. Considering the aforesaid facts, the period of incarceration 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:

8. 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, 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.

03.03.2025

rkp

Copy to:

- 1.The Inspector of Police,
P-6 Kodungaiyur Police Station,
Pulianthope, Chennai.
- 2.The Central Prison, Puzhal, Chennai.
- 3.The XVI Metropolitan Magistrate, George Town, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.

rkp/dk

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