



WEB COPY



Cr1.O.P.No.6068 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Cr1.O.P.No.6068 of 2025

1.Bharath Kumar
2.Santhosh

... Petitioners

Vs.

State Rep. by
The Inspector of Police
N1 Royapuram Police Station
Chennai
(Crime No.129 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioners on bail in Crime No.129 of 2025, on the file of the respondent police.

For Petitioner : Mr.Ezhilbalaji

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Cr1.Side)

ORDER

This Criminal Original Petition has been filed by the petitioners/A1 & A2, who were arrested and remanded to judicial custody on 02.02.2025, seeking bail in Crime No.129 of 2025 registered for the offence under Sections 8(c) r/w.20(b)(ii)(B), 25 & 29(1) of NDPS Act.

2.The case of the prosecution is that the petitioners were found to be in possession of 1,600 grams of ganja.

3.It is represented by the learned Government Advocate (Criminal Side)



Cr1.O.P.No.6068 of 2025

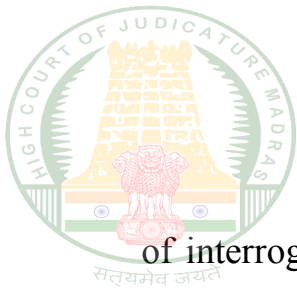
that the first petitioner has been detained under the Tamil Nadu Act 14 of 1982 and therefore, as far as the first petitioner is concerned, the learned counsel for the petitioners seeks leave of this Court to withdraw this petition. He has also made an endorsement to that effect.

4.Learned counsel appearing for the petitioners submitted that the second petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the second petitioner is in custody from 02.02.2025 and he is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the second petitioner.

5.Learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing for grant of bail to the petitioners, reiterated the case of the prosecution. He further submitted that the second petitioner is having seventeen previous cases against him.

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

7.Considering the nature of allegations, period of incarceration, the quantity of contraband seized in this case, the fact that the previous cases have been registered for the offences under IPC and the second petitioner was released on bail in all those cases and since further custody is not required for the purpose

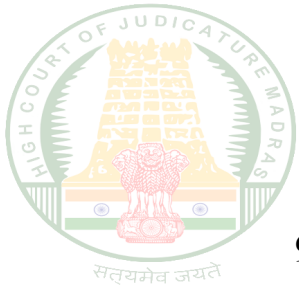


Cr1.O.P.No.6068 of 2025

of interrogation, this Court is inclined to grant bail to the second petitioner with certain conditions.

8. Accordingly, the second petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each, with two sureties, for a like sum to the satisfaction of the learned **XV Metropolitan Magistrate, G.T., 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 second petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;**
- [c] the second petitioner shall not abscond either during investigation or trial;
- [d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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



Cr1.O.P.No.6068 of 2025

9. In view of the submission and endorsement made by the learned counsel for the petitioners that the first petitioner has been detained under the Tamil Nadu Act 14 of 1982, this Petition is dismissed as withdrawn against the first petitioner alone.

04.03.2025

sai

To

1. The XV Metropolitan Magistrate,
G.T., Chennai

2. The Inspector of Police
N1 Royapuram Police Station
Chennai

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

4. The Public Prosecutor,
High Court, Madras.



WEB COPY



Cr1.O.P.No.6068 of 2025

SUNDER MOHAN, J.
sai

Cr1.O.P.No.6068 of 2025

04.03.2025