



Crl.OP.No.6104 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 10.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.6104 of 2025

K.Balaganesh

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
E-4, Abiramapuram Police Station,
Chennai.
(Crime No.234 of 2024)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the
event of his arrest in Crime No.234 of 2024 on the file of the respondent
Police.

For Petitioner : M/s.Stephen Raj B

For Respondent : Mr.S.Santhosh
Government Advocate(Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent



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police for the offences punishable under Sections 8(c), 22(a), 29(1) of NDPS Act 1985 and 123 of BNS in Crime No.234 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that, the petitioner along with other accused were found in possession of 100 Tablets of TYDOL (100 MG) in powdered form along with two syringe.

3. The learned counsel for the petitioner submits that the allegations are false; that the petitioner is sought to be implicated based on the confession of the co-accused and prayed for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that the substance seized is not a substantial quantity; that based on confession of co-accused, the petitioner was arrayed as an accused and that the petitioner



has no bad antecedents.

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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6. Considering the fact that the petitioner is sought to be implicated based on confession of co-accused and the petitioner has no bad antecedents, this Court is of the view that the custodial interrogation of the petitioner is not required for the purpose of investigation. Therefore, this Court is inclined to grant anticipatory bail to the petitioner on 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 on which the order copy is made ready, before the **Principal EC & NDPS Special Judge for Special Court at Madras**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties for a like sum to the satisfaction of the



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respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 daily at 10.30 a.m., until further orders.

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

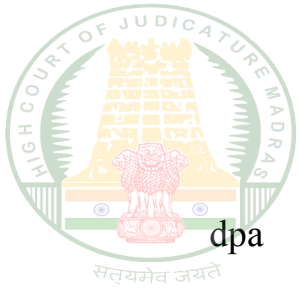
[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the Petitioners in accordance with law as if the conditions have been imposed and the Petitioners 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 BNS.

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Index : Yes / No
Internet : Yes / No



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To

- 1.The Inspector of Police,
E-4, Abiramapuram Police Station,
Chennai.
- 2.The Principal EC & NDPS Special Judge for Special Court
Madras.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN , J.

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