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Cr1.O.P.No.6218 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Cr1.O.P.No.6218 of 2025

1.Kannan
2.Kalaivani

... Petitioners

Vs.

The State
Represented by its Inspector
S.H.O. P.E.Wing Cuddalore
Cuddalore Police Station.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioners on bail in Crime No.55 of 2025, on the file of the respondent police.

For Petitioners : Mr.S.Priyanka

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

ORDER

This Criminal Original Petition has been filed by the petitioners/A3 & A5, who were arrested and remanded to judicial custody on 04.02.2025, seeking bail in Crime No.55 of 2025 registered for the offence under Sections 8(c) r/w.20(b)(ii)(A) of the NDPS Act and 123 of BNS, (Section 328 of IPC).

2.The case of the prosecution is that the respondent found A1 in possession of 50 strips of unidentified tablets (10 tablets per strip) and 200 grams



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of ganja, on his confession it was revealed that he along with his friends A2 & A4 had purchased it from the petitioners/A3 and A5, who were found in possession of 71 strips of Tapentadol Hydrochloride 100 mg tablets.

3.Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the contraband seized from the petitioners are not scheduled substances, that the petitioners are in custody from 04.02.2025 and that they are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4.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 there are no previous cases against the petitioners.

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

6.The petitioners were implicated on the confession of the co-accused. Considering the nature of allegations, period of incarceration undergone by the petitioners, the contraband seized in this case is not a scheduled substance, the fact that the petitioners have no bad antecedents and since further custody is not



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required for the purpose of interrogation, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 Judicial Magistrate II, Cuddalore, 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;**
- [c] the petitioners shall not abscond either during investigation or trial;
- [d] the petitioners 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 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 of B.N.S



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To

1.The Judicial Magistrate II, Cuddalore

2.The Inspector
S.H.O. P.E.Wing Cuddalore
Cuddalore Police Station

3.The Superintendent,
Cuddalore Prison

4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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