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Crl.OP.No.6438 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.6438 of 2025

Akash ... Petitioner /Accused

Vs.

State rep. by
Inspector of Police,
H-8, Thiruvottiyur Police Station,
Chennai District. ... Respondent/ Complainant
Crime No.372 of 2025

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.372 of 2025.

For petitioner : Mr.A.Logesh
For Respondent : Mr.S.Santhosh,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 22(b), 25 and 29(1) of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.372



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of 2025, seek anticipatory bail.

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2. It is the case of the prosecution that, based on secret information, A3 was found in possession of 2 grams of Methamphetamine and was arrested. Based on his confession, A2 was arrested, who was found in possession of 34 grams of Methamphetamine; that the total quantity seized was 36 grams, which is an intermediate quantity, and the petitioner/ A7 was implicated based on the confession of A3, stating that he has sold the contraband to A3.

3. The learned counsel for the petitioner would submit that the petitioner has no bad antecedents; that he is being implicated solely based on the confession of the co-accused; that no contraband was seized from the petitioner; and considering the fact that the total contraband seized from all the accused is an intermediate quantity; and that in any case, custodial interrogation is not required and sought for anticipatory bail to the petitioner.

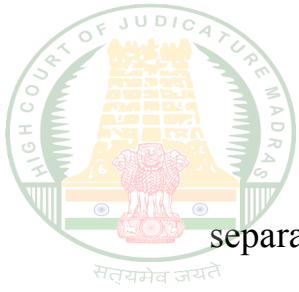


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4. The learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that the petitioner has no bad antecedents; and that total quantity seized from the accused is an intermediate quantity, which is 36 grams of Methamphetamine.

5. Considering the nature of allegations; the fact that the petitioner has no bad antecedents; that the petitioner is sought to be implicated based on the confession of the co-accused; that no contraband was seized from the petitioner; and that custodial interrogation of the petitioner is not required for the purpose of investigation, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Thiruvottiur**, on condition that the petitioner shall execute a



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separate bond for a sum of **Rs.10,000 (Rupees Ten Thousand only)** with

two sureties each for a like sum to the satisfaction of the 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.

[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



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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”*** reported in **(2005) AIR SCW 5560.**

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

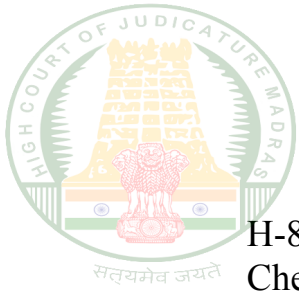
12.03.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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To

1. Inspector of Police,

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H-8, Thiruvottiyur Police Station,
Chennai District.

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2. The Public Prosecutor,
Madras High Court, Chennai.
3. Learned Judicial Magistrate, Thiruvottiyur.

SUNDER MOHAN, J.

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