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Crl.O.P.Nos.6688 & 6690 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.Nos.6688 & 6690 of 2025

Gowthamraj @ Gowtham

...Petitioner/Accused 12
in Crl.O.P.No.6688 of 2025

Muniyappan

...Petitioner/Accused 3
in Crl.O.P.No.6690 of 2025

Vs.

State rep by
The Inspector of Police,
Kitchipalayam Police Station,
Salem City.

(Crime No.61 of 2025)

...Respondent in both Crl.O.Ps.

Common Prayer: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.61 of 2025 pending investigation on the file of the respondent police.

(In both Crl.O.Ps.)

For Petitioner : Mr.J.Franklin

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



COMMON ORDER

These Criminal Original Petitions have been filed by the petitioners, who were arrested and remanded to judicial custody on 20.02.2025, seeking bail in Crime No.61 of 2025 registered for the offence under Section 123 of BNS.

2.It is the case of the prosecution that on a secret information it was found that some unknown persons were sitting in an old building at Arumugam Nagar, Gugai Erumapalayam Main Road and injecting painkiller themselves, the respondent and their officials went to the scene of occurrence and found A1 to A5 in possession of Tapentadol tablets; that their confession revealed that they purchased the contraband from the other accused; that from A3, 10 tablets and from A12, 40 tablets were seized and that totally 870 tablets have been seized from all the accused. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and only based on the confession statement of co-accused these petitioners are sought to be implicated; that the contraband



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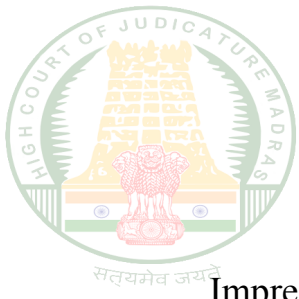
seized were not scheduled substance and that in any case, the petitioners are in custody from 20.02.2025 and hence, further custody of the petitioners is not required.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the contraband have been seized and the petitioners have no bad antecedents.

5.Heard the learned counsel on either side and perused the materials available on record.

6.Considering the period of incarceration, the fact that the contraband has been seized and the petitioners have no bad antecedents and since further custody of the petitioners is not required for the purpose of investigation, 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 separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate No.II, Salem**, and on further conditions that:



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[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;

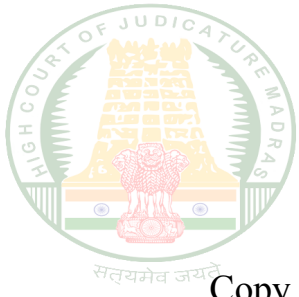
[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[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 B.N.S.

10.03.2025

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- 1.The Inspector of Police,
Kitchipalayam Police Station,
Salem City.
- 2.The Judicial Magistrate No.II, Salem.
- 3.Central Prison, Salem.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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