



Crl.O.P.No.7476 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 20.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.7476 of 2025

Katturaja

... Petitioner/ Accused No.3

Vs.

State Rep. By,
The Deputy Superintendent of Police,
NIB-CID Salem Police Station,
Salem. (Crime No.19 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in connection with Crime No.19 of 2022 in Spl.C.C.No.87 of 2022 on the file of the Special Judge for EC/NDPS Act Cases, Salem)

For Petitioner : Mr. T. Balaji

For Respondent : Mr. J. R. Archana
Government Advocate (Crl. Side)



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ORDER

Petition seeking bail in respect of Crime No.190 of 2025 registered for the alleged offences punishable under Sections 8(c), 20(b)(ii)(C), 25 and 29(1) of NDPS Act, is on board for consideration.

2. The case of the prosecution is that based on a secret information, the respondent police went to the spot and found that the Accused No.1 was in illegal possession of 100 kilograms of Ganja in his car bearing Registration No.TN-22-AY-0318; that the contraband was seized; and that upon confession of A1, the petitioner and other accused were implicated in this case.

3. The learned counsel appearing for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case, based on the confession of A1 and he has not committed any offence as alleged by the prosecution; that the petitioner has been arrested and remanded to judicial custody on 14.07.2023; that the similarly placed accused was granted bail by this Court vide order dated 20.11.2024 in CrI.O.P.No.27079 of 2024; and that the petitioner is ready to abide by any stringent condition that may be imposed



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by this Court and to appear and co-operate for the investigation, and prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent reiterated the prosecution case and on instruction submitted that there are totally 5 accused in this case and the petitioner is arrayed as A3; that the final report has already been filed in this case; that the petitioner has no bad antecedents; and that the investigation is pending.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record. Admittedly, no contraband was seized from the petitioner herein. Apart from the confession of the co-accused, there is no material evidence to connect that the petitioner with the other accused. Similarly placed co-accused/ A5 was already granted bail by this Court vide order dated 20.11.2024 in Crl.O.P.No.27079 of 2024. The final report has been filed in this case.

6. In view of the above, this Court is of the view that the petitioner



had satisfied the twin conditions under section 37 of NDPS Act. Considering the aforesaid fact, the fact that the petitioner has no bad antecedents, the period of incarceration undergone by the petitioner and since further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate II, Salem** 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 petitioner shall report before the respondent Police everyday at 10:30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[d] the 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 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 [(2005)AIR SCW 5560];***

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

20.03.2025

stn

To

1. The Judicial Magistrate II, Salem
2. The Deputy Superintendent of Police,
NIB-CID Salem Police Station,
Salem. (Crime No.19 of 2022)



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SUNDER MOHAN, J.

stn

3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.

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