



Crl.O.P.No.7247 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.7247 of 2025

Sethankumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
M-3 Puzhal Police Station,
Chennai District.
(Crime No.954 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.954 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Mohammed Aseef

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 23.12.2024, seeking bail in Crime No.954 of 2024 registered for the offence under Sections 8(c), 22(b), 25, 29(1) of NDPS Act, 1985.



Crl.O.P.No.7247 of 2025

WEB COPY

2. The case of the prosecution is that the petitioner along with other accused was found to be in illegal possession of 82.56 grams of Methamphetamine and 12 Nos of Nitrovet Tablets Hence the case.

3. Learned counsel appearing for the petitioner submitted that there is no seizure from the petitioner; that petitioner sought to be implicated based on the confession of the other accused; that co-accused in this case were granted bail in Crl.O.P.Nos.2618 & 2251 of 2025 and in any case, petitioner is in custody from 23.12.2024 and hence the petitioner may be released on bail.

4. Learned Government Advocate (Crl.Side) reiterated the prosecution case and submitted that the petitioner has no previous cases and also confirmed the fact that no seizure was made from the petitioner.

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



Crl.O.P.No.7247 of 2025

WEB COPY

6. It is not in dispute that there was no seizure from the petitioner. The petitioner is sought to be implicated based on the confession of the co-accused. The petitioner has no bad antecedents. This Court while granting bail to the co-accused in Crl.O.P.No.2618 and 2251 of 2025 held that the total quantity of contraband cannot be said to be in joint possession and hence granted bail to the accused who were in possession of intermediate quantity. Considering the aforesaid facts, the fact that co-accused were granted bail and since further custody 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 **District Munsif Cum Judicial Magistrate, Madhavaram**

[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;



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Crl.O.P.No.7247 of 2025

[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;

[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 B.N.S.

13.03.2025

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CrI.O.P.No.7247 of 2025

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To

1. District Munsif Cum Judicial Magistrate, Madhavaram.
2. The Inspector of Police,
M-3 Puzhal Police Station,
Chennai District.
3. The Superintendent,
Central Prison Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.7247 of 2025

SUNDER MOHAN., J.

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Crl.O.P.No.7247 of 2025

13.03.2025