



Crl.OP.No.7950 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 07.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.7950 of 2025

Venkatesan @ Rajesh

.. Petitioner / Accused No.5

Vs.

The State rep by
The Inspector of Police,
N-3, Muthialpet Police Station,
Chennai.
(Crime No.233 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.233 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : M/s.C.Raghavan

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 23.01.2025, seeking bail



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in Crime No.233 of 2024 registered for the offence under Sections 8(c) r/w
22(c), 25 and 29(1) of NDPS Act, 1985.

2. The case of the prosecution is that t on secret information, the respondent police found that the first and second accused were in possession of 50 grams of Methamphetamine, which is intermediate quantity; that their confession revealed that they purchased the contraband from As and A4, who were found in possession of 5 grams of and 4 grams respectively; that total quantity of contraband seized from all the accused is 59 grams, which is the commercial quantity; and that on the confession of co-accused, the petitioner was arrested.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he is sought to be implicated on the confession of co-accused; that the contraband has been seized from the co-accused and that in any case, further custody of the petitioner is not required and prayed that the petitioner may be released on bail.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and submitted that the petitioner is implicated on the confession of co-accused and that there is no recovery from the petitioner.

5. Admittedly, no contraband was seized from the petitioner. The only material available against him is the confession of co-accused. This Court granted bail to the co-accused in Crl.O.P.Nos.2608 and 3793 of 2025 for the first and second accused and held as follows:

“It is seen that the petitioners were in joint possession of 50 grams of Methamphetamine, which is intermediate quantity. On the confession of co-accused, A3 and A4 were arrested and contraband was seized. Therefore, this Court, in the earlier application in Crl.O.P.No.3796 of 2025 filed by the co-accused A3, had held that the possession of 5 grams by A3, cannot be said to be joint possession with A1 and A2. The same principle would apply to the petitioners as well.”



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6. Considering the aforesaid facts, this Court is of the view that the petitioner would be entitled to bail.

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 XVI Metropolitan Magistrate, George Town Court, Chennai**, 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;

[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



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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.

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Index : Yes / No

Internet : Yes / No

dpa

To

1.The Inspector of Police,
N-3, Muthialpet Police Station,
Chennai.

2.The learned XVI Metropolitan Magistrate,
George Town, Chennai.

3.The Superintendent of Prison,
Central Prison, Puzhal.

4.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN , J.



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