



WEB COPY



Cr1.O.P.No.8751 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Cr1.O.P.No.8751 of 2025

Nithyatharan @ Nithya

... Petitioner

Vs.

State Rep. by

The Inspector of Police

E-5, Sholavaram Police Station

Tiruvallur

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.149 of 2025 on the file of the respondent.

For Petitioner : Mr.D.Sugumar

For Respondent : Ms.J.R.Archana

Learned Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 02.03.2025, seeking bail in Crime No.149 of 2025 registered for the offence under Section 8(c) r/w.20(b)(ii)(B) of the NDPS Act.

2.The case of the prosecution is that the petitioner was found to be in possession of 1,250 grams of ganja.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.



Cr1.O.P.No.8751 of 2025

He also submitted that the petitioner is in custody from 02.03.2025 and he is ready to abide by any stringent condition that may be imposed by this Court.

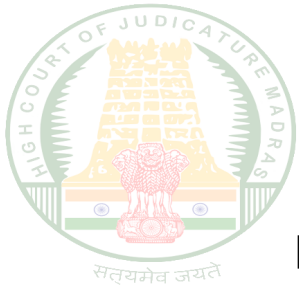
Hence, he prayed for grant of bail to the petitioner.

4.Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case. He also submitted that there are eighteen previous cases against the petitioner, in which one case is under NDPS Act and seventeen cases are for the IPC offences.

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.

6.Considering the nature of allegations, period of incarceration, the quantity of contraband seized in this case, the fact that the petitioner was released on bail in all the previous cases and since further custody is not required for the purpose of interrogation, this Court is inclined to grant bail to the petitioners 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 No.II, Ponneri, and on further conditions that:



Cr1.O.P.No.8751 of 2025

[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 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.

25.03.2025

sai



Cr1.O.P.No.8751 of 2025

SUNDER MOHAN, J.
sai

WEB COPY

To

1.The Judicial Magistrate No.II, Ponneri

2.The Inspector of Police
E-5, Sholavaram Police Station
Tiruvallur

3.The Superintendent,
Puzhal Prison II, Chennai.

4.The Public Prosecutor,
High Court of Madras.

Cr1.O.P.No.8751 of 2025

25.03.2025