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Cr1.O.P.No.8862 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.8862 of 2025

V.Purushothaman

... Petitioner/A17

Vs.

State by Inspector of Police

F-5, Choolaimedu Police Station

Chennai (Crime No.37 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No. 37 of 2025 on the file of the respondent.

For Petitioner : Mr.M.Jai Kumar

For Respondent : Ms.J.R.Archana

Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed by the petitioner/A17, who was arrested and remanded to judicial custody on 26.01.2025, seeking bail in Crime No. 37 of 2025 registered for the offence under Section 8(c) r/w.22(b), 25 & 29(1) of the NDPS Act 1985.

2.The case of the prosecution is that originally A1 was arrested and he was found in possession of 2.11 grams of cocaine; that he had confessed that he purchased the contraband from A2, A3, A8 & A9; that based on the A1's confession statement, A2, A3, A8 and A9 and other accused were arrested.

3.Learned counsel appearing for the petitioner submitted that the



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petitioner is an innocent person and he has been falsely implicated in this case, based on the confession statement of the main accused. He also submitted that there was no conspiracy or joint possession, that the petitioner is in custody from 26.01.2025 and he is ready to abide by any stringent condition that may be imposed by this Court. He also submitted that the co-accused were released on bail in CrI.OP.Nos.4635, 4815, 4998, 5228 & 5399 of 2025 on 27.02.2025 by this Court. Hence, he prayed for grant of bail to the petitioner.

4.Learned Government Advocate (CrI.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case. He also submitted that there is no recovery from the petitioner and the petitioner has no bad antecedents.

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

6.Considering the nature of allegations, period of incarceration, that the petitioner was impleaded only on the confession of the co-accused, the fact that the petitioner has no bad antecedents and no recovery has been made from the petitioner, that the co-accused were released on bail in CrI.OP.Nos.4635, 4815, 4998, 5228 & 5399 of 2025 on 27.02.2025 by this Court, and since further custody is not required for the purpose of interrogation, this Court is inclined to



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grant bail to the petitioner with certain conditions.

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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 Principal Special Court under EC and NDPS Act, 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 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

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SUNDER MOHAN, J.
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To

1.The Principal Special Court under EC and NDPS Act,
Chennai.

2.The Inspector of Police
F-5, Choolaimedu Police Station
Chennai

3.The Superintendent,
Central Jail,
Puzhal.

4.The Public Prosecutor,
High Court of Madras.

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