



Crl.OP.No.11053 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 15.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.11053 of 2025

Aswin @ Aswin Kumar

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
N-2 Kasimedu Nagar Police Station,
Chennai District.
(Crime No.647 of 2024)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event
of his arrest in Crime No.647 of 2024 on the file of the respondent Police.

For Petitioner : M/s.M.Saravanan

For Respondent : Mr.S.Balaji
Government Advocate(Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Section 8(c), 20(b)(ii)(B) and 29(1)
of NDPS Act in Crime No.647 of 2024, seeks anticipatory bail.



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2. Though the earlier anticipatory bail petition of the petitioner was dismissed by my learned predecessor, Hon'ble Justice A.D.Jagadish Chandira, this petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P.No.31787 of 2024 on 04.03.2025.

3. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 1.2 kilograms of Ganja.

4. The learned counsel appearing for the petitioner submitted that this is the 2nd anticipatory bail petition, and the earlier petition was dismissed by this Court based on the representation made by the learned Government Advocate that 5 previous cases, similar in nature, were pending against the petitioner and that the petitioner has only one previous case of a similar in nature; that the co-accused has already been arrested and released on bail and sought for anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the



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respondent police reiterated the prosecution case and confirmed that though there are 5 previous cases pending against the petitioner, they are not similar in nature; and that 4 cases were registered for the offences under IPC, and one case was registered in the year 2022 under the NDPS Act for possession of intermediate quantity of contraband.

6. Though the earlier anticipatory bail application was dismissed by this Court in Crl.O.P.No.30563 of 2024 dated 09.12.2024, the petitioner has not been arrested so far. Considering the aforesaid facts, the petitioner has one previous case registered in the year 2022 under the NDPS Act for possession of intermediate quantity of contraband; that the co-accused has already been arrested and released on bail and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **XVI Metropolitan Magistrate, George Town, Chennai**, on condition that the



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petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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.

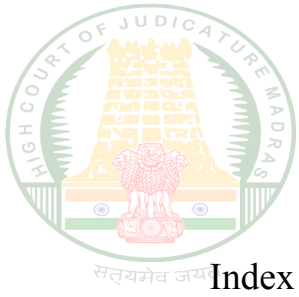
[b] the petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond 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 Petitioners in accordance with law as if the conditions have been imposed and the Petitioners 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 BNS.



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Index : Yes / No

Internet : Yes / No

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To

- 1.The Inspector of Police,
N-2 Kasimedu Nagar Police Station,
Chennai District.
2. The XVI Metropolitan Magistrate,
George Town, Chennai.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

SUNDER MOHAN , J.



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