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Crl.OP.No.10326 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.10326 of 2025

1. Durai Arasan @ Durai M

2. Gokul M ... Petitioner(s) /Accused 4 & 5

Vs.

The State rep. by
The Inspector of Police,
K-8, Arumbakkam Police Station. Respondent(s)/ Complainant
Crime No.492 of 2024

Prayer: Criminal Original Petition filed under Section 483 of BNSS 2023,
to enlarge the petitioner/ accused on bail in Crime No.492 of 2024 dated
22.11.2024 pending on the file of the respondent police.

For petitioner(s) : Mr.R.Aravindhnan

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



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ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 11.03.2025, seeking bail in Crime No.492 of 2024 registered for the offences under Sections 8(c) and 20(b)(ii)(B) of NDPS Act, 1985 and Section 25(1A) of the Arms Act, 1959.

2. It is the case of the prosecution that the petitioners/Accused 4 and 5 were found in illegal possession of 3 Kgs of Ganja. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case and the petitioners are in custody from 11.03.2025, and that in any case, further custody of the petitioners is not required and prayed for the grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of bail to the petitioners,



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reiterated the prosecution case and on instructions submitted that there are seven previous cases against the fourth accused, out of which four are under the NDPS Act, and that there are fifteen previous cases against the fifth accused, out of which four are under the NDPS Act, and they are on bail in those cases.

5. Considering the nature of allegations, period of incarceration, and since further custody of the petitioners is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are 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 V Metropolitan Magistrate, Egmore**, 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



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card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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]***;



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[f] If the accused thereafter absconds, a fresh
FIR can be registered under Section 269 B.N.S.

21.04.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
skr

To

1. The Inspector of Police,
K-8, Arumbakkam Police Station, Chennai.
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. Learned V Metropolitan Magistrate, Egmore.
4. The Superintendent of Prison,
Puzhal Prison-II.



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SUNDER MOHAN, J.

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