



Crl. O.P. No.10988 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.10988 of 2025

Rajesh @ Sappai Rajesh

... Petitioner/Accused-2

Vs.

The State represented by-

The Inspector of Police,
P-3 Vyasarpadi Police Station.
Chennai.
(Crime No.18 of 2025).

... Respondent

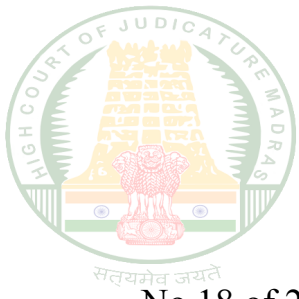
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.18 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr. Ilayaraja Kandasamy

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 22.01.2025, seeking bail in Crime



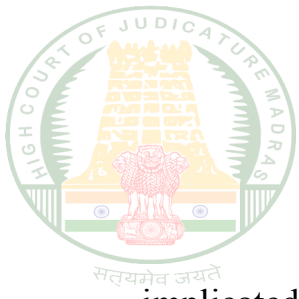
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No.18 of 2025 registered for the offences under Sections 126(2), 296(b), 132, 109 and 351(3) of B.N.S. and Sections 8(c) read with 20(b)(ii)(B) of NDPS Act and Section 25(1)(a) of Arms Act.

2. The case of the prosecution is that based on secret information, the accused were found in possession of contraband; and that 1.150 kgs of Ganja has been seized from A1 and 100 grams of Ganja from A2.

3. The learned counsel appearing for the petitioner submitted that the allegations against the petitioner are false; that contraband has been seized from the co-accused; that no recovery was made from the petitioner; that he has been implicated based on the confession of the co-accused; that the detention order under Goondas Act against the petitioner was revoked; that he is in judicial custody from 22.01.2025; and that in any case, further custody of the petitioner is not required and prayed that the petitioner may be released on bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and on instructions, submitted that seized contraband in this case is an intermediate quantity; that he is sought to be



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implicated based on the confession of the co-accused; and that the petitioner has four previous cases registered under NDPS Act for the possession of intermediate quantity of contraband, in which, he is on bail. Further, the learned Government Advocate confirmed that the detention order against the petitioner under 'Goondas' Act was revoked vide order in G.O. Rt. No.1530 dated 24.03.2025.

5. Considering the aforesaid facts, nature of allegations, period of incarceration, the fact that the petitioner is sought to be implicated based on the confession of the co-accused, he is on bail in the other cases, the seized contraband in this case is an intermediate quantity, no recovery is made from this petitioner and the detention order against the petitioner was revoked, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation. Hence this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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 Cases at Chennai**.

[a] the sureties shall affix their photographs and Left



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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, daily at 10.30 a.m., until further orders;

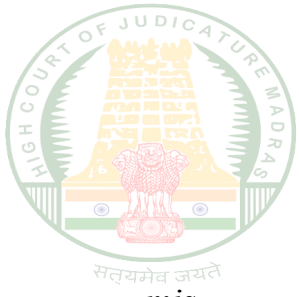
[c] the petitioner shall not abscond either during investigation or trial;

[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 B.N.S.

15.04.2025



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To

1. The Principal Special Court under EC and NDPS Act Cases at Chennai.
2. The Inspector of Police, P-3 Vyasarpadi Police Station. Chennai.
3. The Superintendent of Police, Central Prison, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.

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