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Crl.OP.No.11930 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P. No.11930 of 2025

Kesavan

.. Petitioner/A2

Vs.

The State rep by
The Sub Inspector of Police,
Mettupalayam Police Station.
(Crime No.61 of 2025)

.. 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.61 of 2025 on the file of the respondent
Police.

For Petitioner : Mr.Ezhil Balaji

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 Sections 20(b)(ii) (A), 8 (c) of NDPS Act, 1985 & Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.61 of 2025, seek anticipatory bail.

2. The case of the prosecution is that the first accused was found in illegal possession of 200 grams of ganja; that the confession statement of the first accused revealed that the petitioner was also involved in the said offence. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the allegations are false; that the petitioner is sought to be implicated only on the confession of co-accused; that no contraband was recovered from the petitioner and that in any case, custodial interrogation is not required and sought for anticipatory bail to the petitioner.

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



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petitioner, reiterated the prosecution case and on instructions submitted that the petitioner is sought to be implicated only on the confession of co-accused; that the petitioner has one previous case.

5. Considering the nature of allegations, the fact that no recovery was made from the petitioner, the contraband seized is small quantity, that the petitioner is sought to be implicated on the confession of the co-accused 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.

6. 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 **Judicial Magistrate No.IV, Puducherry** on condition that the petitioner shall execute a separate 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



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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 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 BNS.

24.04.2025

Index : Yes / No
Internet : Yes / No
rkp



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- 1.The Inspector of Police,
Mettupalayam Police Station.
2. The Judicial Magistrate No.IV,
Puducherry.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN, J.

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