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Crl. O.P. No.13206 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.13206 of 2025

1. Saleem Basha @ Saleem
2. Hussain @ Hussain Bai

... Petitioners /Accused 6 & 7

Vs.

The State represented by-

The Inspector of Police,
K-8 Arumbakkam Police Station.
Chennai.
(Crime No.492 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.492 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr. P. Muthamizhselvakumar

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

ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested under P.T. Warrant and remanded to judicial custody on 11.03.2025,



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seeking bail in Crime No.492 of 2024 registered for the offences under Sections 8(c) and 20(b)(ii)(B) of NDPS Act and Section 25(1A) of Arms Act, 1959.

2. The case of the prosecution is that based on secret information, A1 was found in possession of 3 kgs of Ganja; and that based on the confession of the co-accused, the petitioners have been implicated.

3. The learned counsel appearing for the petitioners submitted that the allegations against the petitioners are false; that contraband has been seized; and that in any case, further custody of the petitioners is not required and prayed that the petitioners 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 is intermediate in quantity; that no recovery is made from these petitioners; and that the petitioners/A6 and A7 have involved in other previous cases.

5. Considering the aforesaid facts, nature of allegations, period of



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incarceration, the fact that the petitioners are on bail in other previous cases, no recovery is made from these petitioners and the seized contraband involved in this case is an intermediate quantity, this Court is of the view that further custody of the petitioners is not required for the purpose of investigation. Hence 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 their executing a separate bond each for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **V Metropolitan Magistrate Court, Egmore, Chennai.**

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

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



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[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 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 B.N.S.

28.04.2025

mjs

To

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



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SUNDER MOHAN., J.

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