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Crl.OP.No.14094 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.OP.No.14094 of 2025

1. Jith Nayak
2. Ashmitha Sabar ... Petitioner(s) /Accused

Vs.

State represented by
The Inspector of Police,
PEW Vellore Police,
Vellore District. ... Respondent(s)/ Complainant
Crime No.28 of 2025

Prayer: Criminal Original Petition filed under Section 483 of BNSS 2023,
to enlarge the petitioner on bail in connection with Crime No.28 of 2025 on
the file of the respondent police.

For petitioner(s) : Mr.C.Deepak Kumar

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

ORDER

This Criminal Original Petition has been filed by the petitioners, who
were arrested and remanded to judicial custody on 27.02.2025, seeking bail



Crl.OP.No.14094 of 2025

in Crime No.28 of 2025 registered for the offences under Sections 8(c),
20(b)(ii)(B) and 29(1) of NDPS Act, 1985.

2. The case of the prosecution is that the petitioners were found in illegal possession of 5 Kgs of ganja. Hence the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners were arrested and is in judicial custody from 06.04.2025. He would submit that the contraband has been seized. He would further submit that the petitioners, without prejudice to the defence and contention, are ready and willing to deposit a sum of Rs.5,000/- , to any welfare scheme of the Government or any other organization. He further submits that the petitioners are ready to abide by any stringent condition that may be imposed by this court.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the



Crl.OP.No.14094 of 2025

contraband has been seized and that the petitioners have no bad antecedents.

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5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non-refundable deposit, to the credit of **Manolaya, Home for Mentally Ill Destitute, Bank Name: Indian Overseas Bank, Branch: Kottaram, IFSC Code: IOBA0000253, Account Name: Manolaya, Account No.025302000000284, UPI ID: 6379484925@okbizicici, Gpay:9443307196**, without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

7. Further, considering the nature of allegations, the period of incarceration undergone by the petitioner, the fact that the contraband was seized, the petitioners have no bad antecedents and since further custody of



WEB COPY

the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioners, subject to certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.2, Salem**, 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 card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent Police, everyday at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation;

[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



WEB COPY



Crl.OP.No.14094 of 2025

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.

08.05.2025

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

Page No.5 of 7



WEB COPY



CrI.OP.No.14094 of 2025



WEB COPY



Crl.OP.No.14094 of 2025

L.VICTORIA GOWRI, J.

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Note:

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this court will be watermarked and will also have a QR code.**

Crl.OP.No.14094 of 2025

To

1. The Inspector of Police,
PEW Vellore Police,
Vellore District.
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. Judicial Magistrate No.2, Salem
4. The Superintendent of Prison,
Central Prison, Salem.

08.05.2025