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CrI.O.P.No.14517 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2025

CORAM

THE HON'BLE MRS. JUSTICE **L.VICTORIA GOWRI**

CrI.O.P.No.14517 of 2025

1.Gowthaman

2.Prasath

Petitioners/A2 & 3

Vs.

The State represented by,
The Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.

(Crime No.79 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioners on bail, in Crime No.79 of 2025 on the file
of the respondent Police.

For Petitioners : Mr.B.Aravinthan

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 01.04.2025, for the offences punishable under Section 123 of BNS, 2023 and Sections 8(c), 20(b)(ii)(A) and 29(1) of NDPS Act, 1985, in Crime No.79 of 2025, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with the other accused were found in illegal possession of 545 grams of ganja. Hence, the case.

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 are in judicial custody from 01.04.2025. He would submit that the contraband has been seized. He would further submit that the petitioners, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.5,000/-, each 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.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the contraband has been seized and that the petitioners have no bad antecedents.

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) each 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.



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7. Further, considering the nature of allegations, the period of incarceration undergone by the petitioners, the fact that the contraband was seized, the petitioners have no bad antecedents 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, subject to certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties, each for a like sum to the satisfaction of the **District Munsif cum Judicial Magistrate, Kilvelur**, and on further conditions that :-

[a] the petitioners shall report before the respondent police, everyday at 10.30 a.m., for a period of three months and thereafter as and when required for investigation;

[b] the petitioners shall not commit any offences of similar nature.

[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.



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[e] On breach of any of the aforesaid conditions, the learned Judicial 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 of B.N.S.

08.05.2025

ata/ep

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.



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L.VICTORIA GOWRI, J.
ata/ep

TO

- 1.The District Munsif cum Judicial Magistrate, Kilvelur.
- 2.The Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.
- 3.Sub Jail, Nagapattinam.
- 4.The Public Prosecutor,
High Court of Madras.

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