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Crl.O.P.No.14628 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2025

CORAM

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

Crl.O.P.No.14628 of 2025

Divyan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
G-3, Kilpauk Police Station,
Chennai District.
(Crime No.104 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.104 of 2025 on the file
of the respondent Police.

For Petitioner : Mr.A.Vinoth Kumar

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



Crl.O.P.No.14628 of 2025

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.04.2025, for the offences punishable under Sections 8 (C) r/w 20 (b) (ii) (A) of Narcotic Drugs and Psychotropic Substances Act, 1985, and 123 of BNS Act, 2023 in Crime No.104 of 2025, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 180g of Ganja. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody from 24.04.2025. He would submit that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.2,000/-, to any welfare scheme of the Government or any other organization. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.



Crl.O.P.No.14628 of 2025

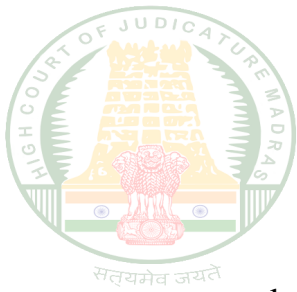
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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was found to be in illegal possession of 180g of Ganja and the same was seized. Hence, he opposed to grant bail to the petitioner.

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 petitioner, the petitioner is directed to deposit a sum of Rs.2000/- (Rupees Two Thousand only) as non-refundable deposit, to the credit of ***the Aishwaryam Trust, Indian Bank, Tirunagar Branch, Madurai, Account No.6639017788, IFSC Code: IDIB000T032***, 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 offence and the period of incarceration undergone by the petitioner and that the contraband has been seized from the petitioner and considering all others factors, I am inclined to



Crl.O.P.No.14628 of 2025

grant bail to the petitioner, subject to certain conditions.

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8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.2000/- (Rupees Two Thousand only)** with two sureties, each for a like sum to the satisfaction of the **learned II Metropolitan Magistrate Court, Egmore**, and on further conditions that :-

[a] the petitioner 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 interrogation.

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

[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 Judicial 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



WEB COPY



Crl.O.P.No.14628 of 2025

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

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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.**



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Crl.O.P.No.14628 of 2025

L.VICTORIA GOWRI, J.

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TO

- 1.The II Metropolitan Magistrate Court, Egmore.
- 2.The Inspector of Police,
G-3, Kilpauk Police Station,
Chennai District.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.14628 of 2025

08.05.2025