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Crl.O.P.No.15232 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15232 of 2025

1.Boopathy

2.Dilli Ganesh

... Petitioners

Vs.

State rep. by

The Inspector of Police,

T-14 Mangadu Police Station,

Avadi District,

Chennai - 600 122.

Crime No. 307 of 2025.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioners/Accused on bail in Crime No.307 of 2025 pending on the file of the Respondent police.

For Petitioners : Mr.S.Mohan Raj

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 14.04.2025, for the offence punishable under Sections 8(c) and 29(b)(ii)(B) of



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Narcotic Drugs & Psychotropic Substances Act, 1985, in connection with Crime No.307 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioners were found to be in illegal possession of 2.30 kgs of ganja. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners are no way connected with the alleged offence, however, they are suffering incarceration from 14.04.2025. He further submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioners, reiterated the prosecution case and submitted that the petitioners are father and son and they got previous cases and infact, the second petitioner is the history sheeter in H.S.No.02 of 2024.



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5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, submissions made by the learned counsels on either side and the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. 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)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Sriprembattur**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

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

[c] the petitioners shall make himself available for interrogation by a Police Officer as and when required;



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[d] the petitioners shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned 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)13 SCC 283]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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To

1. The Judicial Magistrate, Sriprembattur.
2. The Inspector of Police,
T-14 Mangadu Police Station,
Avadi District,
Chennai - 600 122.
3. The Superintendent,
Central Prison, Puzhal Prison, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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