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Crl.O.P.No.15292 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.05.2025

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

Crl.O.P.No.15292 of 2025

1.Shanpak

2.Tamilselvan

... Petitioners/Accused 1 & 2

Vs.

State rep by
The Inspector of Police,
V-6, Kolathur Police Station,
Chennai.

(Crime No.122 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.122 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.O.Chembulingam

For Respondent : Mr.V.J.Priyadarsana
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioners/A1 & A2, who were arrested and remanded to judicial custody



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on 12.04.2025, seeking bail in Crime No.122 of 2025 registered for the offence under Sections 8(c) r/w 20(b)(ii)(B) and 29(1) of NDPS Act.

2.It is the case of the prosecution that the petitioners along with the other accused were found in illegal possession of 5 kgs of ganja. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the similarly placed co-accused/A3 was enlarged on bail by the learned Principal Special Judge, Chennai in Crl.M.P.No.2254 of 2025. He would further submit that the petitioners are in custody from 12.04.2025 and hence, further custody is not required and sought for bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the first petitioner has one previous case and the second petitioner has three previous cases pending against them and they are on bail in those cases.



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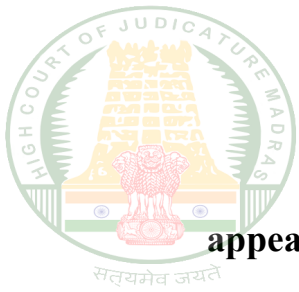
5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the nature of allegations, the period incarceration, the fact the similarly placed co-accused was enlarged on bail by the learned Principal Special Judge, Chennai in Crl.M.P.No.2254 of 2025 and since further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner 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)** each with **two sureties**, each for a like sum to the satisfaction of the **XIII Metropolitan Magistrate, Egmore, Chennai**, 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 jurisdictional **Judicial Magistrate from Monday to Friday at 10.30 a.m.**, and shall



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appear before the respondent Police on Saturday and Sunday at 5.30

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[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;

[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.

21.05.2025

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Note :

1.Registry is directed to forthwith upload this order in the official website of this Court.



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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.

Copy to:

- 1.The XIII Metropolitan Magistrate, Egmore, Chennai.
- 2.The Inspector of Police,
V-6, Kolathur Police Station,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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N.SENTHILKUMAR, J.

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