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Crl.O.P.No.16084 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 04.06.2025**

CORAM

**THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR**

**Crl.O.P.No.16084 of 2025**

Rajendiran @ Chera

... Petitioner/Accused

Vs.

State of Tamil Nadu  
Rep by Inspector of Police,  
MKB Nagar Police Station,  
Vyasarpadi, Pulianthope District,  
Chennai – 600 039,  
Tamil Nadu  
(Crime No.163 of 2025)

... Respondent

**PRAYER :** Criminal Original Petition filed under Section 483 of Bharatiya  
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on bail in  
Crime No.163 of 2025 on the file of the respondent Police.

For Petitioner : Mr.R.C.Paul Kanagaraj  
for Mr.A.Athimoolam

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

**ORDER**

The petitioner, who was arrested and remanded to judicial custody  
on 15.03.2025, for the offence punishable under Section 8(c) r/w, 20(b)(ii)(B)  
of the Narcotic Drugs and Psychotropic Substances Act, 1985 and under



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Section 25(I)(a) of Arms Act 1959 (hereinafter, “NDPS Act, 1985” and Arms Act 1959) in Crime No.163 of 2025, registered on the file of the respondent, seeks bail.

2. Learned counsel appearing for the petitioner submitted that the petitioner earlier had some cases against him. Thereafter, due to the constant harassment by the police, he had changed his residence and living a peaceful life for almost more than 20 years. To attend the function, he had come to Chennai and at that time he was implicated in this case. The petitioner was arrested on 15.03.2025, and the charge sheet is yet to be filed. The petitioner is entitled for statutory bail since the bail application was pending before this Court, the petitioner was under wrong presumption that the statutory bail application will not be entertained and hence he has not filed any bail application. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

3. A counter affidavit was filed by the respondent Police dated 04.06.2025 wherein it is stated as follows:

2. It is submitted that the case of the prosecution is that on 15.03.2025 at about 14.10 hours, when Tr.Deepan, Sub



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Inspector of Police was in station duty, at that time he received a secret information about the illegal sale of Ganja. After received the information, he went Tr.Leo Simon HC-26918, Tr.Senthamizhan P.C-53025, to the Scene of occurrence (i.e) near Vyasarpadi, Mullai Nagar Sudukadu (burial ground), along with the required equipment for the case and left the station and reached the spot where the Ganja (Narcotics) is being sold by one person with a plastic bag in hand, on seeing police he tried to escape from them then the respondent police caught hold of him and conducted search with him and found 2 kg of Ganja in his possession. Thereafter, the respondent police arrested the accused Rajendran @ Chera and recorded his confession statement in the presence of witnesses and seized the contraband under the cover of seizure mahazar in the presence of witnesses and bring the arrested accused and seized contraband to the police station.

11. It is submitted that the petitioner/accused is history sheeted rowdy in H.S.No.01/1991 'A+' category on the file of the P5-MKB Nagar Police Station, apart from this case, he involved the following previous cases;

| <b><i>S.No.</i></b> | <b><i>Police Station, Cr.No., U/s.,</i></b>           | <b><i>Stage of the case</i></b> |
|---------------------|-------------------------------------------------------|---------------------------------|
| 1                   | P5 PS Cr.No.103/90 U/s 341, 325 IPC                   | Acquittal                       |
| 2                   | P5 PS Cr.No.403/91 U/s 307 IPC                        | Acquittal                       |
| 3                   | K1 PS Cr.No.2688/89 U/s 365 IPC                       | Acquittal                       |
| 4                   | P6 PS Cr.No.350/92 U/s.147, 148, 149 & 302 IPC        | Acquittal                       |
| 5                   | H6 PS Cr.No.507/93 U/s 147,148, 341 & 302 r/w 149 IPC | Acquittal                       |
| 6                   | P5 PS Cr.No.1182/93 U/s 20(b) NDPS Act                | Acquittal                       |
| 7                   | B1 PS Cr.No.575/96 U/s 8(C) r/w 21 NDPS Act           | Acquittal                       |



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| <i>S.No.</i> | <i>Police Station, Cr.No., U/s.,</i>                                                                        | <i>Stage of the case</i> |
|--------------|-------------------------------------------------------------------------------------------------------------|--------------------------|
| 8            | B1 PS Cr.No.1586/95 U/s 120(b), 365, 342, 347, 387, 302 IPC                                                 | Acquittal                |
| 9            | P5 PS Cr.No.915/98 U/s.341, 353, 307 & 506(ii) IPC, 120(b) 4 & 5 of I.E.S. Act r/w 7 & 5 of Indian Arms Act | Acquittal                |
| 10           | P5 PS Cr.No.1017/98 U/s 353, 307 & 506(ii) 4 & 5 of IES Act                                                 | Acquittal                |
| 11           | P5 PS Cr.No.1020/98 U/s 341, 353, 307 & 506(ii) 4 & 5 of IES Act                                            | Acquittal                |
| 12           | J3 PS Cr.No.1080/01 U/s 385, 336, 427 & 506 (ii) IPC                                                        | Acquittal                |

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

5. Considering the facts and circumstances of the case, submissions made by the learned counsels on either side, it is seen that the petitioner has 15 previous cases, and all the cases ended in acquittal. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is 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 **XIV Metropolitan Magistrate, Egmore** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship



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[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 petitioner shall report before the respondent Police for a period of two weeks and thereafter as and when required for interrogation;**

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

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

[e] the petitioner 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 petitioner in accordance with law as if the aforementioned 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)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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04.06.2025

**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 the official website of this Court will be watermarked and will also have a QR code.

To

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- 1.The XIV Metropolitan Magistrate,  
Egmore.
- 2.The Inspector of Police,  
MKB Nagar Police Station,  
Vyasarpadi, Pulianthope District,  
Chennai – 600 039
- 3.The Puzhal Prison,  
Chennai.
- 4.The Public Prosecutor,  
High Court of Madras.

**M.NIRMAL KUMAR, J.**

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