



Crl.O.P.No.16228 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16228 of 2025

1. Kalaivani

2.Santhosh @ Vellai Santhosh

.. Petitioner

Vs.

State rep. by

The Inspector of Police

R-6 Shankar Nagar Police Station

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner on bail in Crime No.276
of 2025 on the file of the respondent police.

For Petitioner : Mr.V.Karthick

For Respondent : Mr.R.Vinoth Raja
Government Advocate (Crl.side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on
10.05.2025, for the offence punishable under Sections 8(C) r/w 20(b)(ii)(B), 25,
29(1) of NDPS Act, 1985 in Crime No. 276 of 2025, registered on the file of the
respondent, seek bail.



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2. The case of the prosecution is that based on the secret information, the respondent went to the place of occurrence and found that the petitioners along with other accused were found to be in illegal possession of 6Kgs of Ganja. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners are in no way connected with the alleged offence, however, they are suffering incarceration from 10.05.2025. It is the contention of the petitioners that earlier, the respondent police had arrested one Sesuraj/A1 in this case, who was found to be in alleged possession of 6 Kgs of Ganja and thereafter, based on his confession, they were arrested by the respondent police and shown as 10 Kgs of ganja were recovered from A2 and no recovery has been made from A3. It is their contention that now, the case has been projected as if the petitioners were involved in selling of Ganja. He also submits that A1 in this case was enlarged on bail by this Court in CrI.O.P.No.17566 of 2025. He further submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.



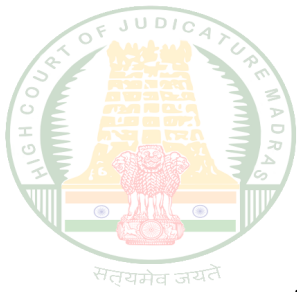
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4. Learned Government Advocate (Crl.side) appearing for the respondent police, while opposing for grant of bail to the petitioners, submitted that in this case, totally 16 Kgs of Ganja were seized from the accused persons out of which 6 Kgs of Ganja were recovered from A1, 10 Kgs of Ganja were recovered from A2 whereas no recovery was made from A3. He also submits that A3 is the master mind, who collects ganja from A1 and A2 and sell it in the market. He also submits that five previous case were pending against the 1st petitioner out of which, three are under the NDPS Act involving intermediate quantity. He also submits that if the petitioners are released on bail, they are likely to continue engaging in such smuggling activities. Hence, he strongly opposed to grant bail to the petitioners.

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

6. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side and considering the period of incarceration undergone by the petitioners and also considering the fact that A1 was enlarged on bail by this Court, this Court is inclined to grant bail to the petitioners with certain conditions.



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7. Accordingly, the petitioners are ordered to be released on bail on their executing a 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, Pallavaram** 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 three weeks and thereafter, as and when required for interrogation;

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

[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



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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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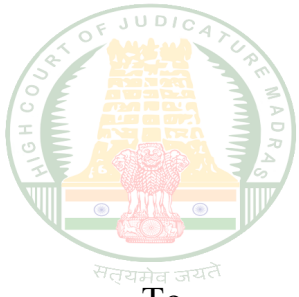
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Note:

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

M.NIRMAL KUMAR, J.

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To

1. The learned Judicial Magistrate, Pallavaram

2. The Inspector of Police
R-6 Shankar Nagar Police Station

3. The Superintendent,
Puzhal-II, Chennai

4. 3. The Superintendent,
Central Prison, Puzhal-III

4. The Public Prosecutor,
High Court, Madras.

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