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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16397 of 2025

Mohammed Ali ... Petitioner/A6

Vs.

State Rep. by
The Inspector of Police,
Kundrathur Police Station,
Tambaram City.
(Crime No.128 of 2025) ... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending investigation in Crime No.128 of 2025 on the file of the respondent police.

For Petitioner : Mr.V.Manimaran

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

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 11.04.2025, for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) and

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29(1) of Narcotic Drugs & Psychotropic Substances Act, 1985 in connection with Crime No.128 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that petitioner and other accused were found to be in illegal possession of 1.300 kgs of Ganja. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offence. He further submitted that based on the confession of A1, the petitioner was arrested. He further submitted that the co-accused/A3 to A5 were granted bail by the Principal Special Court under EC & NDPS Act, Chennai on 14.05.2025. Hence, the custodial interrogation of the petitioner is not required and he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and submitted that the petitioner has 3 previous cases. He further submitted that co-accused/A3 to A5 were granted bail by the learned Principal Special Judge, Principal Special Court under EC & NDPS Act, Chennai in Crl.M.P.No.2225 of 2025 on 14.05.2025 and A1 and A2 are still in jail.

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

6. Considering the submissions made by the learned counsels on either side and the fact that co-accused/A3 to A5 were already granted bail by the Principal Special Court under EC & NDPS Act, Chennai and since, custodial interrogation of the petitioner is not required, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 **Judicial Magistrate, Sriperumbudur**, 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 petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of 15 days and thereafter as and when required for interrogation.**

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[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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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

1.The Judicial Magistrate,
Sriperumbudur.

2.The Inspector of Police,
Kundrathur Police Station,
Tambaram City.

3.The Superintendent,
Central Prison,
Puzhal, Chennai.

4.The Public Prosecutor,
High Court of Madras.

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M.NIRMAL KUMAR, J.

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