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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.17159 of 2025

1.K.S.Narendra Kumar

2. M.Pravin Kumar

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Nolambur Police Station,
Anna Nagar,
Chennai
Crime No.79 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.79 of 2025 pending on the file of the Respondent police.

For petitioners : Mr.S.Kasirajan

For Respondent : Mr.L.Baskaran

Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody
on 03.05.2025, for the offence punishable under Sections 8(c), r/w 20(b) (ii) (B),
22(b), 29(1) of Narcotic Drugs & Psychotropic Substances Act, in connection
with Crime No.79 of 2025, registered on the file of the respondent, seek bail.

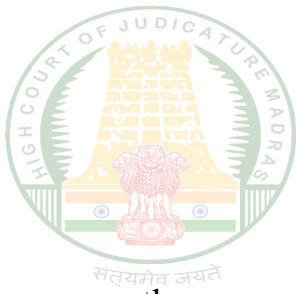


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2. The case of the prosecution is that these petitioners were found to be in illegal possession of 3 grams of Cocaine for sale. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners had already involved in a case in Cr.No.32/2023 which was investigated by Muthialpet Police Station, Redhills, Chennai, and charge sheet also filed in that case. Though commercial quantity was projected against the petitioner in that case, this court granted bail in CrI.OP.No.2153/2025 on 31.01.2025. Thereafter, this case has been registered projecting that these petitioners have been in possession of 3 grams of Cocaine. He further submitted that 2 grams of cocaine is a small quantity and commercial quantity is 100 gms. The petitioners are in possession of one gram more than the small quantity. He further 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 03.05.2025. 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



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the prosecution case and submitted that there is totally 5 accused ,there is no recovery from the second petitioner. A5 is absconding in Malaysia and Look Out Circular has also been issued against him. The first petitioner is an habitual offender. He has also involved in the case in CC.No.639/2023 which is pending before the Principal Special Court Exclusive Trial of NDPS Act Cases, Chennai.

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 counsel on either side and the period of incarceration undergone by the petitioners and the petitioners are ready to abide by any condition, 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, Ambattur, Chennai** , 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;



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[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 except on those days when they are required to appear before the trial court in other cases

[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 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, Ambattur, Chennai
2. The Inspector of Police,
Nolambur Police Station,
Anna Nagar,
Chennai
3. The Superintendent,
Central Prison,, Puzhal Chennai.
4. The Public Prosecutor,
High Court of Madras.

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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gv

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