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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.06.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17250 of 2025

1.Elavarasan

2.Kumar

... Petitioners

Vs.

State rep. by
The Inspector of Police,
T-17 Perumbakkam Police Station,
Chennai
Crime No. 168 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.168 of 2025 pending on the file of the Respondent police.

For petitioners : Mr.S.Mohan Raj

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on
06.05.2025, for the offence punishable under Sections 8(c),r/w 20(b) (ii) (B) ,
29(1) of Narcotic Drugs & Psychotropic Substances Act, 1985, in connection
with Crime No.168 of 2025, registered on the file of the respondent, seeks bail.



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2. The case of the prosecution is that the petitioners were found to be in illegal possession of 2.546 kgs 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 06.05.2025. He further submitted that A2 was already granted bail by the lower court and 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 the prosecution case and submitted that the petitioners are A1 and A3 and there are 7 and 6 previous cases pending against the petitioners 1 and 2 respectively and 156 grams of ganja was seized from A1 and no recovery was made from A3.

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 that the co-accused A2 was already released on bail, 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 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 No.II, Alandur**, 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 further 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 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 petitioners released on bail by the learned Magistrate/Trial Court himself as laid



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M.NIRMAL KUMAR, J.

gv

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.

20.06.2025

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

1. The Judicial Magistrate No.II, Alandur
2. The Inspector of Police,
T-17 Perumbakkam Police Station,
Chennai
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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