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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.17370 of 2025

Bharathimohan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Valivalam Police Station,
Nagapattinam District
Crime No. 102 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.102 of 2025 pending on the file of the Respondent police.

For petitioner : MrC.R.Gokulvisvas

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.05.2025, for the offence punishable under Sections 123 of BNS r/w Section 8(c), 20(b) (ii) (A) , of Narcotic Drugs & Psychotropic Substances Act, 1985 in connection with Crime No.102 of 2025, registered on the file of the respondent, seeks bail.



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2. The case of the prosecution is that the petitioner was found to be in illegal possession of 500 grams of ganja. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is in no way connected with the alleged offence, however, they are suffering incarceration from 17.05.2025. 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 .

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 500 grams of ganja has been seized from the petitioner and he has two previous cases pending against him.

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 petitioner and he is ready to abide by any condition, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner are ordered to be released on bail on their executing separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand**



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only) with two sureties, each for a like sum to the satisfaction of the learned **District Munsif cum Judicial Magistrate, Thirukkuvalai**, 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 three weeks and thereafter, as and when required for further 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**



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M.NIRMAL KUMAR, J.

gv

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 District Munsif cum Judicial Magistrate, Thirukkuvalai.
2. The Inspector of Police,
Valivalam Police Station,
Nagapattinam District
3. The Superintendent,
Nagapattinam Sub Jail.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.17370 of 2025