



WEB COPY



Crl.O.P.No.17696 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17696 of 2025

Duraipandi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Velipalayam Police Station,
Nagapattinam.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.157 of 2025 on the file of the respondent Police.

For Petitioner : Mr.J.Jawahar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.05.2025 for the offences under Sections 8(c) r/w 20(b)(ii)(c) of Narcotic Drugs and Psychotropic Substances Act 1985 and 123 of BNS in Crime No.157 of 2025, on the file of the respondent, seeks bail.



CrI.O.P.No.17696 of 2025

WEB COPY

2. The case of the prosecution is that based on the secret information, the respondent had conducted a search and found that the accused were found to be in illegal possession of 140 grams of ganja. The respondent had seized the contraband and arrested the accused. Hence the case.

3. The contention of the learned counsel appearing for the petitioner is that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that there is no seizure from the petitioner herein and further, the amount of contraband recovered from the first accused is small quantity and the respondent had registered the FIR, wherein, in the front page, it was mentioned as Sections 8(c) r/w 20(b)(ii)(c) of Narcotic Drugs and Psychotropic Substances Act 1985 and 123 of BNS, whereas, in the body of the FIR, it is recorded as Sections 8(c) r/w 20(b)(ii)(A) of Narcotic Drugs and Psychotropic Substances Act 1985 and 123 of BNS. Thereafter, the petitioner had filed a bail application before the District and Sessions Judge, Nagapattinam in Cr.M.P.No.509 of 2025 and it was dismissed on 13.06.2025. He also submitted that the petitioner is in custody from 24.05.2025. Hence he prayed for grant of bail.

4. Learned Additional Public Prosecutor appearing for the respondent police reiterated the prosecution case and opposed for granting bail to the



CrI.O.P.No.17696 of 2025

petitioner. He further submitted that the petitioner is a history sheeted rowdy in H.S.No.258 of 2020 having two previous cases. He also submitted that the petitioner/A2 was also standing along with the first accused, from whom the contraband was recovered.

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

6. Considering the facts and circumstances of the case, the submission made by the learned counsel appearing on either side and the period of incarceration undergone by the petitioner, 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 No.II, Nagapattinam**, 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



CrI.O.P.No.17696 of 2025

WEB COPY

two weeks and thereafter, as and when required for 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;

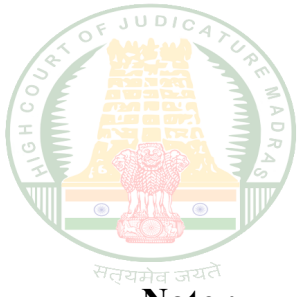
[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[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 Kerala [(2005)13 SCC 283]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

25.06.2025

ham



CrI.O.P.No.17696 of 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, Nagapattinam
2. The Inspector of Police, Velipalayam Police Station, Nagapattinam.
3. The Superintendent, Sub Jail, Nagapattinam.
4. The Public Prosecutor, High Court of Madras.



WEB COPY



CrI.O.P.No.17696 of 2025

M.NIRMAL KUMAR, J.

ham

CrI.O.P.No.17696 of 2025

25.06.2025