



Crl.O.P.No.17828 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17828 of 2025

1. Prakash @ Prakashraj
2. Mathiyazhagan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
B4, Baluchettychatram Police Station,
Kancheepuram District.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail in the event of their arrest in connection with Crime No.163 of 2025 on the file of respondent Police.

For Petitioners : Mr.A.Venkateswara Baubu

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(B), 29(1) of NDPS Act, in Crime No.163 of 2025, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the accused were found to be in



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illegal possession of 3.140 kilograms of Ganja. Hence the case.

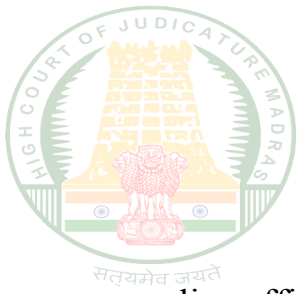
3. The contention of the petitioners is that the petitioners are innocent and have been falsely implicated in this case. He also submitted that there was no recovery from the petitioners, hence, he prayed for grant of anticipatory bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for granting anticipatory bail to the petitioners. He further submitted that there are four accused in this case and the petitioners are arrayed as A3 & A4, against whom, there is no previous case.

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

6. Considering the submissions made by the learned counsel appearing on either sides and taking note of the nature of the allegations, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.I, Kancheepuram**, on condition that the petitioners shall execute separate bond each for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties**, each for a like sum to the satisfaction of the respondent police or the



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police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] if the petitioners fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] 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;

[c] 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;

[d] the petitioners shall not abscond either during investigation or trial and he shall make themselves available for interrogation by a Police Officer as and when required;

[e] the petitioners shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;



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M.NIRMAL KUMAR, J.

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[f] 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;

[g] 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];**

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

23.07.2025

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To

1. The Judicial Magistrate No.I, Kancheepuram.
2. The Inspector of Police,
B4, Baluchettychatram Police Station,
Kancheepuram District.
3. The Public Prosecutor,
High Court of Madras.

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