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Crl.O.P.No.26760 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2025

CORAM:

THE HONOURABLE MR. JUSTICE **N.SENTHILKUMAR**

Crl.O.P.No.26760 of 2025

Balaji

... Petitioner

Vs.

The State of Tamil Nadu
Reb by :The Inspector of Police
H-8, Thiruvottiyur Police Station,
Chennai 600 019.
(Crime No.666 of 2025)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the returned docket order in unnumbered Crl.M.P/2025 passed by the Principal Sessions Judge for EC and NDPS Court at Chennai, dated 10.09.2025.

For Petitioner : Mr.T.Balaji

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to set aside the returned docket order in unnumbered Crl.M.P/2025 passed by the Principal Sessions Judge for EC and NDPS Court at Chennai, dated 10.09.2025.

2. The petitioner, who is arrayed as an accused in Crime No.666 of 2025 had applied for a mandatory bail U/s 167 (2) of Cr.P.C / 187(2) of BNSS. The petitioner was remanded on 27.04.2025 and he was found in illegal possession of 1 kg 200 grams of Ganja, the charge sheet was not laid on 27.04.2025.

3. It is submitted by the learned Government Advocate (Crl.Side) appearing for the respondent that the charge sheet is not filed till today.

4. Therefore, the petitioner is entitled for indivisible right vested with him under Section 167(2) of Cr.P.C/187(2) of BNSS. Hence, the impugned docket order dated 10.09.2025 is hereby set aside.



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5. Considering the submissions of the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner forthwith, subject to certain conditions.

6. 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 Thiruvottiyur** and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30.a.m., until further orders;



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[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 5560];

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

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dna



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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 official website of this Court will be watermarked and will also have a QR code.**

To

1.The Principal Sessions Judge for EC and NDPS Court,
Chennai.

2.The Judicial Magistrate Thiruvottiyur.

3.The Inspector of Police
H-8, Thiruvottiyur Police Station,
Chennai 600 019.
(Crime No.666 of 2025)

4.The Public Prosecutor,
High Court, Madras.



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N.SENTHILKUMAR, J.
dna

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