



Crl.O.P.Nos.31916 of 2024 and 382 & 395 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.31916 of 2024 and 382 & 395 of 2025

Dhanush Kumar	... Petitioner in Crl.OP.No.31916 of 2024
Madankumar @ Akash	... Petitioner in Crl.OP.No.382 of 2025
Flaming Francis	... Petitioner in Crl.OP.No.395 of 2025

Vs.

State, Rep. by
The Inspector of Police
P-6, Kodungaiyur Police Station
Chennai
(Crime No.748 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime
No.748 of 2024 on the file of the respondent Police.

For Petitioners : Mr.R.C.Paul Kanagaraj
in Crl.OP.No.31916 of 2024

Mr.M.Jaikumar
in Crl.OP.No.382 of 2025

Mr.G.Mohana Krishnan
in Crl.OP.No.395 of 2025



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

COMMON ORDER

Petitions seeking bail in respect of Crime No.748 of 2024 registered for the offences punishable under Sections 8(c) r/w.22(c), 25 & 29(1) of the NDPS Act, 1985 is on board for consideration.

2.The incarceration of the petitioners being from 23.10.2024, 27.10.2024 & 23.10.2024 respectively, pleading innocence on the part of the petitioners and false implication in the case, the learned counsels for the petitioners seek the indulgence of this Court. They also submit that, aside from the confession statement recorded from the first accused, from whom the contraband was seized, there is no other material to implicate these petitioners in this case. They also submit that the petitioners, without prejudice to the defence and contention, are ready and willing to deposit the following amount to any welfare scheme of the Government or any other organization:

<i>S.No.</i>	<i>Crl.OP.No.</i>	<i>Petitioner's rank</i>	<i>Amount</i>
1	31916 of 2024	A5	Rs.5,000/-
2	382 of 2025	A8	Rs.5,000/-
3	395 of 2025	A6	Rs.10,000/-

3.The case of the prosecution, as putforth by the learned Government



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Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that A1 to A6 were found in a car bearing registration No. TN 10 AS 3477, in which 245 grams of Methamphetamine were discovered. Based on A1's confession statement, the other accused were implicated in this case. The investigation further reveals that the first petitioner purchased the contraband and was selling it through A3 to A6. The learned Government Advocate (Crl. Side) further submits the details of recovery made from the petitioners and previous cases against the petitioners as follows:

<i>S.No.</i>	<i>Crl.OP.No.</i>	<i>Petitioner's rank</i>	<i>Recovery</i>	<i>Previous case</i>
1	31916 of 2024	A5	No	No
2	382 of 2025	A8	No	No
3	395 of 2025	A6	No	One

4.Considering the voluntary submission made by the learned counsels for the petitioners, the petitioners are directed to deposit the amount mentioned as follows to the credit of the "**District Legal Services Authority, Chennai District**" without prejudice to their right of defence before the Trial Court and making it clear that it would not amount to admission of guilt:

<i>S.No.</i>	<i>Crl.OP.No.</i>	<i>Petitioner's rank</i>	<i>Amount</i>
1	31916 of 2024	A5	Rs.5,000/-



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<i>S.No.</i>	<i>Crl.OP.No.</i>	<i>Petitioner's rank</i>	<i>Amount</i>
2	382 of 2025	A8	Rs.5,000/-
3	395 of 2025	A6	Rs.10,000/-

5.Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the period of incarceration undergone by the petitioners, this court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction as follows:

<i>S.No.</i>	<i>Crl.OP.No.</i>	<i>Petitioner's rank</i>	<i>Bail to the satisfaction of</i>
1	31916 of 2024	A5	Learned X Metropolitan Magistrate, Egmore
3	382 of 2025	A8	Principal Special Court under EC and NDPS Act, Chennai
4	395 of 2025	A6	Learned X Metropolitan Magistrate, Egmore

[a] the sureties shall affix their photographs and Left



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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 petitioners shall report before the respondent Police, everyday at 06.30 p.m., until further orders;

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

[d] the petitioners shall not tamper with 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 petitioners in accordance with law as if the 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)AIR SCW 5560]***;

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

29.01.2025

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A.D.JAGADISH CHANDIRA, J.
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To

1.The Presiding Officer,
Principal Special Court under EC and NDPS Act,
Chennai

2.The X Metropolitan Magistrate, Egmore

3.The Inspector of Police,
P-6, Kodungaiyur Police Station
Chennai

4.The Superintendent,
Central Prison, Puzhal, Chennai

5.The Superintendent,
Central Prison, Puzhal II, Chennai

6.The Public Prosecutor,
High Court of Madras.

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