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Crl.OP.No.58 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.58 of 2025

Aravind Raj P

... Petitioner(s) /Accused

Vs.

State rep. by
Inspector of Police,
K-3, Aminjikarai Police Station,
Chennai.
Crime No.527 of 2024

... Respondent(s)/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner/ Accused No.2 on anticipatory bail in the event of their arrest by the respondent in Crime No.527 of 2024 dated 13.09.2024.

For petitioner(s) : Mr.B.Karthik

For Respondent(s) : Mr.S.Santhosh,



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Government Advocate (Crl.Side)

ORDER

This is the second anticipatory bail application filed by the petitioner before this Court.

2. Though the earlier anticipatory bail petition of the petitioner was dismissed by my learned predecessor, Hon'ble Justice A.D.Jagadish Chandira, this petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P.No.31787 of 2024 on 04.03.2025.

3. The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(A) and 29(1) of Narcotics Drugs and Psychotropic Substance Act, 1985 and Section 132 of BNS, 2023, in Crime No.527 of 2024, seeks anticipatory bail.

4. It is the case of the prosecution that while the respondent and his team were on regular patrol duty, they found the first and third accused allegedly



selling ganja and seized 80 grams of ganja from them.

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5. The learned counsel for the petitioner would submit that the earlier anticipatory bail was dismissed on the ground that there were seven previous cases against him; that one of those cases was under the NDPS Act, for which he was acquitted by judgment dated 06.03.2025 of the II Additional Special Court for Exclusive Trial of Cases under N.D.P.S Act, Chennai; that three other cases have been disposed of, with one resulting in acquittal; and that the remaining three cases under IPC offences are pending trial.

6. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and filed a counter-affidavit confirming that out of seven cases, three have been disposed of; that one case was under the NDPS Act, wherein the petitioner has been acquitted.

7. Admittedly, no contraband was seized from the petitioner, and he was implicated solely based on the confession of the co-accused. Though the earlier



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anticipatory bail application was dismissed, the petitioner has not been arrested so far. After the dismissal of his anticipatory bail, he was acquitted in the previous NDPS case on 06.03.2025 in C.C.No.415 of 2022 on the file of the II Additional Special Court for Exclusive Trial of Cases under the N.D.P.S Act, Chennai. Four IPC cases against him are still pending trial.

8. Considering the nature of allegations; the fact that the petitioner has no bad antecedents; that the petitioner is sought to be implicated based on the confession of the co-accused; that no contraband was seized from the petitioner; and that custodial interrogation of the petitioner is not required for the purpose of investigation, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned V Metropolitan Magistrate, Egmore, on condition that the petitioner shall execute a separate bond for a sum of **Rs.10,000 (Rupees Ten Thousand only) with two sureties**



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each for a like sum to the satisfaction of the respondent police or the 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] the petitioner and 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.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid



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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”*** reported in (2005) AIR SCW 5560.

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

19.03.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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To

1. Inspector of Police, K-3, Aminjikarai Police Station, Chennai.
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. Learned V Metropolitan Magistrate, Egmore.



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SUNDER MOHAN, J.

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