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Crl.O.P. No. 32108 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2025

CORAM

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

Crl.O.P.No. 32108 of 2024

Gautham

..Petitioner

Vs.

State represented by
The Inspector of Police,
Manavalan Nagar Police Station,
Manavalan Nagar, Thiruvallur District.
(Crime No. 413 of 2024)

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending
investigation in Crime No.413 of 2024 on the file of the respondent police.

For Petitioner : Mr.D.K. Nepolean

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

ORDER

Petition seeking bail in respect of Crime No.413 of 2024 registered for
the offences punishable under Sections 132, 351(2) of BNS, 20(b)(ii)(A) of
NDPS Act and Section 77 of Juvenile Justice (Care and Protection of Children)



Crl.O.P. No. 32108 of 2024

Act, 2000 is on board for consideration.

2.The incarceration of the petitioner being from 23.11.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.5,000/- to any welfare scheme of the Government or any other organization. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the respondent Police, on information received, went to the scene of occurrence, they found that the petitioner was in possession of 100 gms of ganja (Cannabis) for the purpose of sale. He further submits that there are three previous cases against the petitioner. He further submits that charge sheet has been filed before the learned Judicial Magistrate II, Thiruvallur.

4.Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the "**Missionaries of charity, Nirmala Shishu Bhavan, No.26/79, West Madha Church Road, Royapuram,**



Crl.O.P. No. 32108 of 2024

Chennai - 600 013, South Indian Bank Limited, George Town Branch, A/C.No. 0042053000009382, IFSC.Code No. SIBL0000042."

without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

5.Having heard the learned counsel for the petitioner 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 petitioner, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned Principal Special Judge for NDPS Act cases, Chennai 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 learned Judicial Magistrate II, Thiruvallur, on all working days at 10.30 a.m., until further orders;



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CrI.O.P. No. 32108 of 2024

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

[d] the petitioner 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 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 of B.N.S.

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CrI.O.P. No. 32108 of 2024

WEB COPY

To

1. The Principal Special Judge for
NDPS Act cases, Chennai.
2. The Inspector of Police,
Manavalan Nagar Police Station,
Manavalan Nagar,
Thiruvallur District.
3. The Superintendent,
Central Prison, Puzhal
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P. No. 32108 of 2024

A.D.JAGADISH CHANDIRA, J.
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Crl.O.P. No. 32108 of 2024

08.01.2025