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Crl OP No.32490 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.32490 of 2024

Duraiyarasan

... Petitioner

Versus

The State Rep by
Inspector of Police,
M-3, Puzhal Police Station
Crime No.1024 of 2024

.. Respondent

Prayer: Criminal Original Petition filed under Section 482 of BNSS Act, to enlarge the petitioner on bail in the event of his arrest in connection with Cr.No.1024 of 2024 pending investigation on the file of the respondent police.

For petitioner : Mr.Selvamozhi

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 42 of Prison Act r/w 8(c) r/w 20(b)(ii)(A), 29(1) of NDPS Act in Crime No.1024 of 2024, seeks anticipatory bail.



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2. The case of the prosecution is that one prisoner namely Mervin Vijay @ Lazer Vijay was found to be in illegal possession of 48 grams of ganja; that the same was supplied by the petitioner/Chief Head Warden(A3) through one in-mate Sugumar.

3. Learned counsel appearing for the petitioner would submit that there are no previous cases against the petitioner that the petitioner sought to be implicated only on the confession of the co-accused and that it was revealed that A3 has handed over the contraband to A2 to be handed over to A1, there is no other supporting material against the petitioner and in any case, the contraband was seized and the custodial interrogation of the petitioner is not required.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police reiterated the prosecution case and on instructions submitted that there is no CC TV footages, confirming the handing over of contraband by A3 to A2.

5. Considering the aforesaid fact and the petitioner has implicated only on the confession of the co-accused, contraband was seized and



there is no previous case against him, this court is of the view that the custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned ***Principal NDPS Judge, Chennai*** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 conditions that:

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

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

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



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[d] 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 is 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]**;

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

24.02.2025

Vv

To

1. The Principal NDPS Judge, Chennai
2. The Inspector of Police,
M-3, Puzhal Police Station
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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SUNDER MOHAN, J.

Vv

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