



Crl.O.P.No.32554 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2025

CORAM

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

Crl.O.P.No.32554 of 2024

Prakash

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
D-4, Zam Bazaar Police Station,
Chennai.
(Crime No.201 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.201 of 2024 pending on the file of the respondent police.

For Petitioner : Mr. P. Muthamizhselvakumar

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



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ORDER

Petition seeking bail in respect of Crime No.201 of 2024 registered for the offences punishable under Sections 8(c), r/w 22(b), 25 and 29(1) of Narcotic Drugs & Psychotropic Substances Act 1985, is on board for consideration.

2. The incarceration of the petitioner being from 01.12.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner is innocent and he has not involved in any offence as alleged by the prosecution and a false case has been foisted against him. He further 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



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while opposing for grant of bail to the petitioner is that, based on special report received from the defacto complainant, who is the Sub Inspector of Police, the respondent police went to the place of occurrence and found the accused persons were in illegal possession of 3 nos. of Nitravet 10 mg, 13 nos. of Tydol 100 mg and 2 nos. of Empty Syringe, thereafter, the accused persons were arrested and the contra band substances were seized from them. He also submits that based on the confession of arrested accused, the petitioner herein has been arrayed as A4 and remanded to judicial custody on 01.12.2024. He also submits that 13 nos. of Nitravet 10 mg and 10 nos. of Tydol 100 mg were seized from the petitioner herein.

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 **Seva Chakkara Samajam Orphanage, A/c.No. 0943101024681, IFSC Code No. CNRB0000943, Canara Bank, Vepery Branch**, without prejudice to the right of defence before the Trial court and making it clear that it would not amount to admission of guilt.



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5. Further, having heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent police and perused the materials available on record and also 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 II Metropolitan Magistrate Court, Egmore 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 appear before the respondent police, everyday at 10:30 a.m., until further orders;

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

[d] the petitioner shall not tamper with evidence or



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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.

03.01.2025

stn

To

1. The II Metropolitan Magistrate,
Egmore.
2. The Inspector of Police,
D-4, Zam Bazaar Police Station,
Chennai.

A.D.JAGADISH CHANDIRA.,J.



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3. The Superintendent,
Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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