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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.12.2025

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THE HONOURABLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.35410 of 2025

1.Moshin Kha Yusuf Kha Pathan @ Pathan Moshim
2.Ashish Chandra Kanth ... Petitioners/A3 & A4

Vs.

State represented by
The Inspector of Police,
D-1, Tiruttani Police Station,
Tiruvallur District.
(Crime No.585 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., 2023, to enlarge the petitioners on bail in Crime No.585 of 2025 pending on the file of the respondent police.

For Petitioners : Mr.R.Rajadurai

For Respondent : Mr.S.Vinoth Kumar,
Government Advocate (Crl.Side)

ORDER

The petitioners were arrested and remanded to judicial custody on 09.12.2025, for the alleged offences punishable under Sections 123, 278 of BNS, in Crime No.585 of 2025, on the file of the respondent police, seeks bail.



2. The case of the prosecution is that, based on the secret information, the respondent police, while conducting routing vehicle check near Tiruttani Saraswathi Nagar on 05.12.2025 at about 7.30 p.m., the petitioners along with other accused were found in possession of Tydol Tapentadol tablets, totally 320 tablets, worth about Rs.12,488/-, without any valid licence. Hence, the present case came to be registered.

3. The learned counsel appearing for the petitioners would submit that the alleged occurrence took place on 05.12.2025 and the petitioners were arrested on 09.12.2025. Based on the confession statement of the co-accused, the petitioners have been falsely implicated in this case and they have not committed the offences as alleged in the FIR. Therefore, he prayed for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that while conducting vehicle check, the police intercepted the main accused and recovered the contraband from their possession, which was seized under a seizure mahazar; and based on the confession statement, it was revealed that A3 and A4 were also involved in the case and the police team went to Mumbai and arrested the A3 and A4 and



further recoveries were made from them. He would further submit that the investigation is at the initial stage. Hence, he vehemently opposed to grant of bail to the petitioners.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of the offence, the period of incarceration undergone by the petitioners, and the fact that these petitioners were implicated only based on the confession statement of the co-accused and there is no previous case is pending against the petitioners, this Court is inclined to grant bail to the petitioners, subject to certain conditions.

[a] Accordingly, the petitioners are ordered to be released on bail on them executing separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of **the learned Judicial Magistrate, Tiruttani, Tiruvallur District**, and on further conditions that:-

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not commit any offence similar to the offence of which they are accused, or suspected, or of the commission of which they are suspected;



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

[e] the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

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

30.12.2025

cda

Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

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To

- 1.The Judicial Magistrate, Tiruttani,
Tiruvallur District.
- 2.The Inspector of Police,
D-1, Tiruttani Police Station,
Tiruvallur District.
- 3.The Central Prison-II, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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