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Crl.O.P.No.4886 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2026

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR
CRL OP NO.4886 of 2026

Nithish Kumar @ Gana Nithish
S/o Chandrasekaran

... Petitioner

Vs

The State rep. by,
The Inspector of Police,
R-9 Valasaravakkam Police Station,
Chennai
Crime No.55 of 2026

...Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in Crime No.55 of 2026 pending investigation on the file of the respondent police.

For Petitioner(s) : Mr.K.Karthikeyan

For Respondent(s) : Mr. A. Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.01.2026 for the offence under Sections 278,123, 132 of BNS Act in Crime No.55 of 2026, registered on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the petitioner was found in possession of 90 nos of Tapentadol tabblets and those tablets are not scheduled drugs. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and he is in judicial custody since 26.12.2025 and the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent while opposing the bail to the petitioners, reiterated the prosecution case and states that the petitioner is attempting to sell the tapentadol tabblets which is not a scheduled drug to the general public and there is no previous case pending against the petitioner. However, he opposed to grant bail to the petitioner.

5. Considering the nature of the allegations; submission made by both sides; there is no previous case pending against the petitioner and taking into account the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:



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6. Accordingly, the petitioner is ordered to be released on bail on their executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate-I, Poonthamalle**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b]the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

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

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

[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned



Crl.O.P.No.4886 of 2026

Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

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

27.02.2026

smn

To

- 1.The Inspector of Police,
R-9 Valasaravakkam Police Station,
Chennai
2. The **Judicial Magistrate-I, Poonthamalle**
3. The Superintendent, Central Prison, Puzhal Jail -II
4. The Public Prosecutor,
High Court of Madras.



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K. RAJASEKAR, J.

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