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CRL OP No. 7505 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 7505 of 2026

Shanmugam

..Petitioners

Vs

The State Rep. by its
Inspector of Police
PEW Tiruvannamalai Police Station,
Tiruvannamalai District.
(Crime No. 47 of 226)

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No.47 of 2026 pending investigation on the file of the respondent.

For Petitioner:

Mr.E.Sathiyaraj

For Respondent:

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
11.03.2026 for the alleged offences under Sections 123 of BNS Act
(Corresponding Section 328 of IPC) r/w 8(C), 20(b)(ii)(A) of NDPS Act, in
Crime No.47 of 2026 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that based on secret information, the respondent police found the petitioner in possession of 10 grams of ganja in his auto. Hence, the case was registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and has been falsely implicated. It is submitted that the quantity involved is very small. The learned counsel would further submit that the petitioner has no previous cases and has been in incarceration since 11.03.2026. It is also submitted that he is ready to cooperate with the investigation. Hence, he prayed for granting bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner was found in possession of 10 grams ganja. It is also submitted that the quantity involved is not a commercial quantity. However, he opposed to grant bail to the petitioner.

5. I have given anxious consideration to the submissions made by the learned counsel on either side.

6. Considering the submission of the learned counsel on either side, it is seen that the quantity involved is not a commercial quantity and there are no previous cases pending against the petitioner. Hence, considering the period of



incarceration undergone by the petitioner since 11.03.2026 and the totality of circumstances, this Court is inclined to grant bail, subject to certain conditions.

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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty-Five Thousand only), with two sureties for a like sum each to the satisfaction of the learned **Judicial Magistrate -II, Tiruvannamalai District** and subject to the following conditions:

[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 at 10.30 a.m. for a period of one 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 take appropriate action against the petitioners in accordance with law as if the conditions had been imposed and the petitioners released on bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of***



Kerala [(2005)13 SCC 283];

[f] if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

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NSL

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.

To

1. The Judicial Magistrate-II, Tiruvannamalai District.
2. Sub Jail, Tiruvannamalai.
3. The Inspector of Police, PEW Tiruvannamalai Police Station, Tiruvannamalai District.
4. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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