

(2026) 01 MAD CK 1836

In the Madras High Court

Case No : Criminal Original Petition No. 1664 Of 2026

Gibilsomnath Omprakash And Others

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 27-01-2026

Acts Referred:

Juvenile Justice (Care And Protection Of Children) Act, 2015 — Section 77
Bharatiya Nyaya Sanhita, 2023 — Section 111, 123, 269

Citation : (2026) 01 MAD CK 1836

Hon'ble Judges : K. Rajasekar, J

Bench : Single Bench

Advocate : D. Padmanabhan, A. Gopinath

Judgement

K. Rajasekar, J

1. The petitioners, who were arrested and remanded to judicial custody on 10.11.2025 for the offence under Sections 77 of the Juvenile Justice Act, 2015 and Section 111 and 123 of BNS,2023 in Crime No.30 of 2025, registered on the file of the respondent police, seek bail.

2. The case of the prosecution is that based on a secret information, the respondent police went to the spot and found that the petitioners were in possession of 1087 nos of Tapentadol Tablets. Hence a case was registered by the respondent police.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that the petitioners are in judicial custody from 10.11.2025 and 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 submitted that the investigation has been completed and final report is

not yet filed. However he opposed to grant bail to the petitioners.

5.Considering the facts and circumstances of the case, and considering the quantity involved in this case is not a commercial quantity and the period of incarceration undergone by the Petitioners and the fact that the investigation has been completed and final report is not yet filed, this Court is inclined to grant bail to the petitioners herein with certain conditions.

6.Accordingly, the petitioners are 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 Judicial Magistrate No.1, Arakonnam 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 petitioners shall appear 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] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned 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)13 SCC 283];

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