

CRL.O.P.No.15083 of 2016

S.VAIDYANATHAN, J.

The petitioner, who was arrested and remanded to judicial custody on 22.6.2016 for the alleged offence punishable under Section 75 of CPT Act read with 7(i)(a) of CLA Act and 272, 506(i) IPC in Crime No.955 of 2016 on the file of the respondent police, seeks bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side).

3. The case of the prosecution is that the petitioner is alleged to have been found in possession of 100 pockets of Mava, a prohibited, sedative substance and the ingredients and machineries for manufacturing mava has been seized from him.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case.

5. Learned Government Advocate (Crl. Side) submitted that the petitioner was in illegal possession of Mava and also some betel nuts and a grinder was used for preparing the said Mava.

5. Considering the facts and circumstances of the case and taking note of the fact that the petitioner is under incarceration from 22.6.2016, this Court is of the view that custodial interrogation of the petitioner is not required, since he is in judicial custody from 22.6.2016. **Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:**

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(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the IX Metropolitan Magistrate, Saidapet, Chennai;

(ii) the petitioner is directed to appear before the respondent police daily at 10.00 a.m. until further orders;

(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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 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].

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18.7.2016

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