



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13527 of 2021

1. Amja,
2. Marusook,

... Petitioners

Vs.

State, Rep by
The Inspector of Police,
F-3, Arambakkam Police Station,
Thiruvallur.
(Crime No.79 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in Crime No.79 of 2021 on the file of the respondent police.

For Petitioners : Mr.K.Saravanan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl side)

ORDER

The petitioners, who were arrested on 20.04.2021 and remanded to judicial custody for the offences under Section 8(c), r/w 20(b) (ii)(c) and 29(1) of Narcotic Drugs Psychotropic Substances Act, in Cr.No.79 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that each of the petitioner was found in illegal possession of 4 kgs of Ganja and the same was seized by the respondent Police. Therefore, they were arrested and remanded to judicial custody.

3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and further that they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that co-accused have already been released on bail by this Court in Crl.O.P.Nos.12395 and 13036 of 2021 dated 20.07.2021 and 28.07.2021. Hence prays for grant of bail.

4. The learned Government Advocate (Crl.Side) submitted that there is no previous case pending against the petitioners and the investigation is pending.



5. Considering the facts that the recovered contraband from the petitioners are not commercial quantity and the co-accused have already been released on bail by this Court and the period of incarceration suffered by the petitioners and there is no previous case pending against them, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two local sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Gummidipoondi, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police, daily at 10.30 a.m. and 05.30 p.m., until further orders;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC

-sd/-

04/08/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



1 THE JUDICIAL MAGISTRATE,
GUMMIDIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
F-3, ARAMBAKKAM POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.SARAVANAN Advocate on payment of necessary
charges SR.NO.8136

CRL OP.13527/2021

Date :04/08/2021

INBA 05/08/2021