



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.19423 of 2021

1. Dilli
2. Kanaga

... Petitioners

Vs.

State, Rep by
The Inspector of Police,
H1-Otteri Police Station,
Chengalpattu District.
(Crime No.591 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail pending investigation in Crime No.591 of 2021 on the file of the respondent police.

For Petitioners : Mr.R.Sasikumar

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

ORDER

The petitioners who were arrested on 23.09.2021 and remanded to judicial custody for the offences under Section 8(c), 20(b)(ii)(B) of NDPS Act 1985 in Crime No.591 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 23.09.2021 at about 10.00 a.m., when the respondent police were on their regular patrol duty and they got secret message and went to Kolapakkam Bus Stand and found that the petitioners have illegal possession of 2kgs and 200 grams of ganja for selling purpose and the petitioners were arrested and seized the ganja bags from the petitioners. Hence the law enforcing agency registered a case against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioners are innocent and they are no way connected with the alleged offence. He further submits that due to vengeance, the respondent police has registered a false case against the petitioners, infact, the seized quantity is not a commercial quantity and there was no previous case against the petitioners. Hence he prays for grant of bail to the petitioners.



4.The learned Government Advocate (Crl.Side) submits that the petitioners have illegal possession of 2kgs and 200 grams of ganja for selling purpose and the petitioners were arrested and seized the ganja bags from the petitioners.

WEB COPY

5. Considering the facts and circumstances of the case and also considering the fact that the seized quantity is not a commercial quantity and there was no previous case against the petitioners and further considering the period of incarceration suffered by the petitioners, 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 bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned *Judicial Magistrate -II, Chengalpattu* and on further conditions 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. 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 petitioner in accordance with law as if the 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) AIR SCW 5560]*; and;

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

-sd/-
25/10/2021

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 NO.II,
CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
H1-OTTERI POLICE STATION,
CHENGALPATTU DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, CHENGALPATTU.

5 THE SUPERINTENDENT,
WOMEN PRISON, PUZHAL.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S R.SASIKUMAR Advocate on payment of necessary
charges SR.NO.11731

CRL OP.19423/2021

Date :25/10/2021

CSK 25/10/2021