



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

CrI.O.P.No.2061 of 2022

Akash @ Akash Kumar

.. Petitioner

Vs.

The State represented by
The Inspector of Police,
T 15 SRMC Police Station,
Iyyappanthangal,
Chennai District.
(Crime No.985 of 2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner/accused on bail in respect of Crime No.985 of 2021 on the file of the Inspector of Police, T-15, SRMC Police Station, Chennai District pending investigation.

For Petitioner : Mr.Ilayaraja Kandasamy

For Respondent : Mrs.G.V.Kasthuri,
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 13.12.2021 for the offences under Sections 8(c), 20(b)(ii)(A), 22(c), 29(1) of Narcotic Drugs and Psychotropic Substance Act in Crime No.985 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 12.12.2021 the source of information was received by the Respondent police that the Accused in the said crime number were selling Ganjas and LSD Stamps and based on the information, the Respondent police had went to the place of occurrence and caught the petitioner/Accused No.4 along with other accused persons and found that the petitioner/Accused No.4 have in possession of 2 LSD Stamps and the petitioner/Accused was remanded to Judicial Custody on 13.12.2021. Hence this complaint.



3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that as on now the material objects which are necessary for completing the investigation are all recovered by the Investigation Officer and therefore the question of custodial interrogation will not be necessary in this case. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor raised objection stating that the petitioner is the habitual offender. However he can concede that the material objects are all recovered and no previous case is pending against the petitioner.

5. Submissions made by the learned counsel on either side were considered.

6. Considering all these facts, the petitioner being the first offender, during the relevant point of time, he sold only 2 LSD stamps and the same is recovered. Therefore, considering the quantity of contraband possessed by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on their executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Poonamallee, 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 petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

(d) the petitioner 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.

WEB COPY

-sd/-
07/02/2022

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.

TO

1 THE JUDICIAL MAGISTRATE-I,
POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
T-15, SRMC POLICE STATION,
IYYAPPANTHANGAL, CHENNAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL (MALE WARD).

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. ILAYARAJA KANDASAMY Advocate on payment of necessary charges

CRL OP.2061/2022

Date :07/02/2022

CSK 08/02/2022