



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P. No.2649 of 2022

1.Ramesh Kumar
2.S.Sriram

... Petitioners / A-7 & A-8

versus

The State Rep. by
Inspector of Police,
S-1, St.Thomas Mount Police Station,
Chennai.
(Crime No.324 of 2021)

... Respondent / Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioners on bail in Crime No.324 of 2021 on the file of the respondent police.

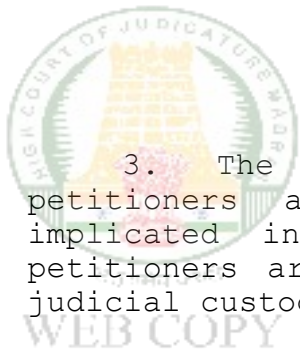
For Petitioners : Mr.S.Nagarajan

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

ORDER

The petitioners, who were arrested and remanded to judicial custody 04.01.2022 for the offences punishable under Sections 8(c), 17(a), 21(a), 22(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and subsequently altered into Sections 8(c), 17(a), 21(a), 22(a), 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.324 of 2021, seek bail.

2. The case of the prosecution is that these petitioners along with other accused were found in possession of 700 Tydol Tablets and the total weight of the drug tablets was 186.9 grams, which is a prohibited item under N.D.P.S. Act. Hence, the complaint.



3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that these petitioners are the breadwinner of their families and they are in judicial custody from 04.01.2022 onwards. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she fairly admits that, during the relevant point of time, the respondent police recovered 700 Tydol Tablets and the total weight of the said tablets was 186.9 grams. It is her submission that if these petitioners are released on bail, they may try to tamper the witness and hamper the investigation.

5. The submissions made by the learned counsel appearing on either side are considered.

6. It seems that the respondent police registered a case as against the petitioners for the offences punishable under Sections 8 (c), 17(a), 21(a), 22(a), 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985. Admittedly, the respondent police recovered 700 Tydol tablets weighing about 186.9 grams, from these petitioners and the other accused, and the quantity of tablets recovered, is not categorised under the commercial one, further the petitioners are the first time offenders and they are in judicial custody from 04.01.2022 onwards.

7. Therefore, taking note of all the above said aspects into consideration and considering the fact that the contraband now recovered is intermediate quantity and also for the reason that these petitioners are the first time offenders, this Court is inclined to grant bail to the petitioners subject to certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions;

(a) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Alandur;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners are directed to appear before the respondent police daily at 10.00 a.m. until further orders;



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

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

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

-sd/-
17/02/2022

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,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
S-1, ST.THOMAS MOUNT POLICE STATION,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S S.NAGARAJAN Advocate on payment of necessary charges SR.NO.2471

CRL OP.2649/2022

Date :17/02/2022

JPA 18/02/2022