



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.3070 of 2022

Siva Shankaran

... Petitioner

Vs.

The State rep. by
The Inspector of Police
R-10, MGR Nagar Police Station,
MGR Nagar,
Chennai.
(Crime No.857 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.857 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Sathish Kumar

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

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 17.12.2021 for the offences under Sections 8(c), r/w 20(b) (ii) (B) of NDPS Act, 1985, in Crime No.857 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 17.12.2021, the petitioner was found in possession of 1.700 Kg of Ganja. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. However, the petitioner is ready to abide by any condition imposed by this Court. He would further submit that after arresting



the petitioner on 17.12.2021, the material objects which are necessary for completing the investigation are all recovered. Hence, he would pray for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would fairly admit that the contraband which were possessed by the petitioner are all recovered. However, she opposed to release the petitioner on bail.

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

6. Taking into consideration of the fact that the petitioner is in incarceration from 17.12.2021, also due to the reason that quantity of the contraband possessed by the petitioner is not comes under the category of commercial quantity, this Court is inclined to grant bail to the petitioner with conditions.

7. In otherwise on going through the details of the previous cases having by the petitioner, it seems those cases are not registered under the provision of NDPS Act merely under Section 107 of Cr.P.C.

(a) the petitioner is ordered to be released on bail to 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 Learned XXIII Metropolitan Magistrate Court, Saidapet.

(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 petitioner shall report before the respondent police daily at 10.30 a.m. for a period of 30 days and thereafter, as and when required for interrogation.

(d) the petitioner 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 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];

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

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
09/02/2022

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 METROPOLITAN MAGISTRATE,
NO.XXIII, SAIDAPET.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
R-10, MGR NAGAR POLICE STATION,
MGR NAGAR, CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.SATHISH KUMAR Advocate on payment of necessary charges SR.NO.2129

CRL OP.3070/2022

Date :09/02/2022

JPA 10/02/2022