



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE DR.G.JAYACHANDRAN

Cr1.O.P.No.3265 of 2022

Mano

... Petitioner

Vs.

The State by Inspector of Police,
M-5, Ennore Police Station,
Chennai - 600 057.
Crime No. 02/2022

... Respondent

PRAYER: This Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, pleased to enlarge the petitioner on bail in crime No. 02 of 2022 on the file of the M-5, Ennore Police Station, Chennai 600 057, the respondent herein in the above case.

For Petitioner : Mr.D.Sugumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.01.2022 for the offences punishable under Sections 8(c) r/w 20 (b)(II)(B) of the NDPS Act, 1985 in Crime No.02 of 2022, on the file of the respondent police, seeks bail.

2. The allegations against the petitioner herein is that he was in possession of 1.2 kg Kanja, while steps taken near Ernavur, Mullai Nagar junction.

3. Learned counsel for the petitioner submits that the petitioner is an innocent person and nothing was recovered from him. Therefore, he prays for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent states that the petitioner was found in possession of 1.2 kg Kanja and was apprehended when he tries to escape from the scene of crime on seeing the police party. It is also stated that the petitioner is having a previous case of similar nature. If the petitioner is released on bail he will be indulged in similar offence.



5. Considering the records and the submissions made by the counsels, this Court is of the considered view that the contraband alleged to have been recovered from the petitioner is in between quantity and very bordering in small quantity. Further the investigation is completed and only the chemical analysis report is awaited. Hence this Court is inclined to grant bail to the petitioner subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned XV Metropolitan Magistrate, George Town, Chennai - 600 001.

(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 is directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(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.

-sd/-

01/03/2022

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 XV METROPOLITAN MAGISTRATE
GEORGE TOWN, CHENNAI-600 001.

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

3 THE INSPECTOR OF POLICE,
M-5, ENNORE POLICE STATION,
CHENNAI-600 057.

4 THE SUPERINTENDENT,
CENTRAL PRISON-II, PUZHAL, CHENNAI-600 006.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S.D.SUGUMAR Advocate on payment of necessary charges
SR.No.3109

CRL OP.3265/2022

Date :01/03/2022

CSK 01/03/2022