



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.3329 of 2022

Arun

... Petitioner /A-3

versus

State 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 petitioner on bail pending investigation in Crime No.324 of 2021 on the file of the respondent police.

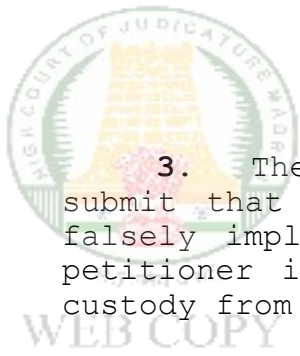
For Petitioner : Mr.R.Thamaraiselvan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.12.2021 for the offences punishable under **Sections 8 (c), 17(a), 21(a) and 22(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985** in Crime No.324 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 30.12.2021, the petitioner 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 appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is the breadwinner of his family and he is in judicial custody from 30.12.2021 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 the petitioner is released on bail, he 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 petitioner for the offences punishable under Sections 8 (c), 17(a), 21(a), 22(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985. Admittedly, the respondent police recovered 700 Tydol tablets weighing about 186.9 grams, from this petitioner and the other accused, and the quantity of tablets recovered, is not categorised under the commercial one, further the petitioner is the first time offender and he is in judicial custody from 30.12.2021 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 the petitioner is the first time offender, this Court is inclined to grant bail to the petitioner subject to certain conditions.

8. 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.25,000/- (Rupees Twenty Five Thousand only) 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 petitioner is directed to appear before the respondent police daily at 10.00 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/-
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, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

+1 CC to M/S. R.THAMARAI SELVAN Advocate on payment of
necessary charges SR.NO.2475

CRL OP.3329/2022

Date :17/02/2022

TA-18/02/2022