



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.7461 of 2022

Badhmanaban @ Badhmanathan @ Chinna Thambi

.. Petitioner

Vs.

State rep. by  
The Inspector of Police,  
Sipcot Police Station,  
Thiruvallur District.  
Crime No. 342 of 2021

.. Respondent

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.342 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

For Respondent : M/s.G.V.Kasthuri  
Additional Public Prosecutor

#### O R D E R

The petitioner, who was arrested and remanded to Judicial Custody on 03.01.2022 for the offences punishable under sections 8(c), 20(b) (ii) (B) of N.D.P.S Act in Crime No. 342 of 2021, on the file of the respondent police, seeks bail.

2. The petitioner was formally arrested on 03.01.2022 for the alleged incident occurred on 28.07.2021, wherein the respondent police recovered 1100 grams of Ganja from the petitioner, who is a Srilankan refugee, accompanied one Veermani and on seeing the riding party he fled from the scene of occurrence.

3. The learned Counsel for the petitioner submits that the petitioner was not in the scene of occurrence and only based on the confession statement of the co-accused, the petitioner was implicated in this case.

4. The learned Additional Public Prosecutor contrarily states that the petitioner is having two previous case of similar in nature and he being a Srilankan National, if he released on bail, he will not be available for trial.



5. Considering the facts and circumstances of the case, this Court is inclined to grant bail.

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 (one shall be blood relative), each for a like sum to the satisfaction of the learned District Munsif Cum Judicial Magistrate, Gummudipoondi.

(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 Investigating Officer daily at 10.30 a.m until further order;

(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/-

31/03/2022

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 DISTRICT MUNSIF CUM  
JUDICIAL MAGISTRATE, GUMMUDIPOONDI

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR (FOR INFORMATION)

3 THE SUPERINTENDENT,  
CENTRAL PRISON, PUZHAL, CHENNAI

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,  
F2-SIPCOT POLICE STATION,  
THIRUVALLUR DISTRICT.

CC to M/S R.SASIKUMAR Advocate on payment of necessary charges  
Sr.4937

CRL OP.7461/2022

Date :31/03/2022

RVR 31/03/2022