



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.6811 of 2022

L.Naveen Kumar

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
S-10, Pallikaranai Police Station,
Chennai District.
(Crime No.166 of 2022)

.. 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.166 of 2022 on the file of the Inspector of Police, S-10, Pallikaranai Police Station, Chennai.

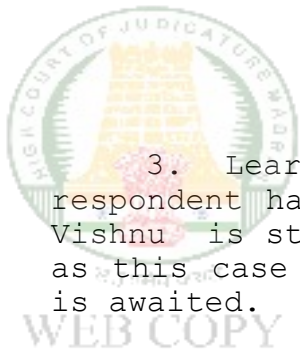
For Petitioner : Mr.S.Anbuselvan

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

ORDER

The petitioner, who was arrested for the alleged offences under Sections 8(c), 20(b)(ii)(B) of NDPS Act, in Crime No.166 of 2022, on the file of the respondent police, seeks bail.

2.The petitioner herein was arrested on 11.02.2022 for the alleged possession of 1.200 kg of kanja. The case of the prosecution is that based on the information, on 11.02.2022 at about 11.00 a.m., near Ponnamman temple this petitioner, who was coming along with another person standing near the temple, on seeing the police, tried to flee and this petitioner was apprehended of his associate escaped from the scene of occurrence. From the possession of this petitioner 1.200 kg of kanja was recovered and the petitioner was remanded to judicial custody on the same day.



3. Learned Additional Public Prosecutor appearing for the respondent has filed counter stating that his accomplice by name one Vishnu is still at large and the police are unable to secure. As far as this case is concerned investigation still pending and lab report is awaited.

4. Taking into consideration that the petitioner has no bad antecedent and he claims innocence and pointed out certain mandatory violation in recovery of the alleged contraband from his physical possession, this Court is of the view that the petitioner may be granted bail. 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 Court No.II, 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 report before the Investigating Officer 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/-

05/04/2022

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,
NO.II, ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
S-10, PALLAIKARANAI POLICE STATION,
CHENNAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. S.ANBUSELVAN Advocate on payment of necessary
charges SR.No.5124

CRL OP.6811/2022

Date :05/04/2022

CSK 06/04/2022