



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Sixth day of June Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.11437 of 2022

M.KISHORE KUMAR

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
T-4 POLICE STATION,
MADHURAVOYAL, CHENNAI.
CRIME NO.241 OF 2022

[RESPONDENT]

For Petitioner : M/S.G.RANGANATHAN Advocate

For Respondent : M/S. A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 23.04.2022 for the offence under Sections 328 of IPC and Sections 21(A), 27(a) and 29(1) of NDPS Act, 1985, in Crime No.241 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 23.04.2022, when the respondent police were on routine check up, they found that the petitioner along with other accused persons were found in possession of 18 numbers of 80 TYDOL 100 tablets and 5 injections. Hence, the case was registered against the petitioner and others.

3.The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner. He would further submit that even according to the case of the prosecution, the petitioner was found in possession of 40 tablets, which is less than the commercial quantity. Further the petitioner is studying B. Com final year and the contraband was recovered in the burial ground. He also submitted that the petitioner was arrested and remanded to judicial custody on 23.04.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that as far as the petitioner is concerned, he arrayed as first accused and he was in possession of 40 tablets of TYDOL and it is a commercial



quantity. Hence he vehemently opposed to grant of bail to the petitioner.

5. It is seen that the second accused, who was also found in possession of the same quantity of contraband, has already been granted bail by the trial Court. That apart, there is no bad antecedent as far as the petitioner is concerned and it is his first case. Considering the above facts and circumstances of the case and also considering the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate II, Poonamallee, and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily twice at 10.30 a.m., and 5.30 p.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[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 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/-

06/06/2022

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, POONAMALLEE

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE
T-4 POLICE STATION, MADHURAVOYAL,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI JAIL,
CHENNAI

CC to M/S.G.RANGANATHAN Advocate on payment of necessary
charges Sr.8492

CRL OP.11437/2022

Date :06/06/2022

RVR 06/06/2022