



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M.NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12016 of 2022

JAYARAMAN

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
KALLAKURICHI POLICE STATION,
KALLAKURICHI DISTRICT.
CRIME NO.189 OF 2022.

[RESPONDENT]

For Petitioner : M/S.S.SARAVANAKUMAR Advocate

For Respondent : MR.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 01.04.2022 for the alleged offences under Sections 8(c), 20(b)(ii) (B) of NDPS Act, in Crime No.189 of 2022 on the file of the respondent police, seeks bail.

2. The contention of the petitioner is that though the petitioner had a past, after 2018, he had not been involved in any of the criminal cases. In the year 2020, due to the Circular of the DGP, a case was foisted against him and thereafter, again presently he has been arrested in the above case. The case of the prosecution itself is highly artificial. It is alleged that the petitioner was riding a Hero Honda bike along with his wife carrying 1Kg of Ganja. Likewise, his son, who was the pillion rider along with A4, was riding a Yamaha bike carrying 150 gms of Ganja, which is highly artificial. During a road check, the vehicles are said to have been intercepted and recovery is said to have been made. The learned counsel further submitted that the petitioner is suffering from kidney ailment and he is under medication and he is unable to even push a bike. In such



circumstances, he has prayed for bail. In support of his contention, the learned counsel for the petitioner produced the medical certificate and further submitted that A2 to A4 in this case have been granted bail.

3. The learned Additional Public Prosecutor had filed his counter affidavit and objected to grant of bail to the petitioner, stating that the petitioner, from the year 2011, had been regularly involving in offences involving Ganja and periodically, cases are registered against him and he is continuing to carry on his business. During routine vehicle check, the petitioner's bike Hero Honda and A4's bike Yamaha were intercepted and it was found they were both were carrying 1Kg and 150 gms Ganja, they were arrested and contraband was recovered. He submitted that, if the petitioner is granted bail, he would again indulge in such activities in future which is a menace to the society.

4. Considering the submission and perusal of the materials, it is seen that the recovery has been made during the routine road check and that too, when the petitioner was travelling along with his wife and carrying Ganja and followed by A4 and his son in the another bike. The total quantity seized is 1.150 Kg. Further considering the incarceration of the petitioner and also his health condition and the lower Court granting bail to A2 to A4, this Court is inclined to grant bail to the petitioner subject to stringent conditions.

5. 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 sureties, for a like sum to the satisfaction of the learned Special Judge, Special Court for trial of NDPS Cases, Villupuram, 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 at 10.30 a.m. for a period of three weeks and thereafter as when required.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
25/05/2022

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 SPECIAL JUDGE,
SPECIAL CORT FOR TRIAL OF NDPS CASES,
VILLUPURAM

2 THE INSPECTOR OF POLICE
KALLAKURICHI POLICE STATION,
KALLAKURICHI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.SARAVANAKUMAR Advocate on payment of necessary charges SR.NO.7856

CRL OP.12016/2022

Date :25/05/2022

JPA 26/05/2022