



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice C.V. KARTHIKEYAN

CRIMINAL ORIGINAL PETITION NOS.12849 & 12853 of 2022

VIJAYAN @ JOSHWA

[PETITIONER / ACCUSED
IN CRL.OP.NO.12849/2022]

ANDROOS

[PETITIONER / ACCUSED
IN CRL.OP.NO.12853/2022]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
S-1, ST THOMAS MOUNT POLICE STATION,
CHENNAI DISTRICT.
(CRIME NO.78 OF 2022)

[RESPONDENT/COMPLAINANT
IN BOTH PETITIONS]

For Petitioner : M/S.P.MUTHAMIZHSELVAKUMAR Advocate
[IN CRL.OP.NO.12849/2022]

: M/S.K.KARTHIK Advocate
[IN CRL.OP.NO.12853/2022]

For Respondent : MR.E.RAJ THILAK Additional Public Prosecutor
[IN BOTH PETITIONS]

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 15.04.2022 for the offence under Section 8(c), 20 (b) (ii) (B) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.78 of 2022 on the file of the respondent police, seeks bail.

2.The petitioners / A1 and A2 in Crime No.78 of 2022 are before this Court. A1 has filed Crl.O.P.No.12849 of 2022 and A2 has filed Crl.O.P.No.12853 of 2022. The case of the prosecution is that the petitioners / A1 and A2 were found in possession of 1.050 kgs of Ganja. Hence, the complaint.



3. The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioners. He would further submit that the petitioners are in judicial custody from 15.04.2022. Hence, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that there is one previous case as against the petitioners and he further submitted that the petitioners were found in possession of 1.050 kgs of Ganja. Hence, he vehemently opposed for the grant of bail to the petitioners.

5. Taking into consideration that recovery has been effected and the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on executing a separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Alanthur 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Judicial 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.

WEB COPY

-sd/-

01/06/2022

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.I, ALANTHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

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

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.P.MUTHAMIZHSELVAKUMAR Advocate on payment of necessary charges SR.No.8278

+1CC to M/S.K.KARTHIK Advocate on payment of necessary charges SR.No.8270

CRL.OP.NOs.12849&12853/2022

Date :01/06/2022

CSK 01/06/2022