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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.13952 of 2022

Vijayan

..Petitioner

Vs.

State Rep. by Inspector of Police,
Tiruvannamalai East Police Station,
Tiruvannamalai District.
(Crime.No.192 of 2022)

..Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail, pending investigation in Crime No.192 of 2022 on the file of the Respondent Police.

For Petitioner : Mr.C.C.Chellappan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.04.2022 for the offence punishable under Section 8(c) r/w 20(b) (ii)(B) of NDPS Act, 1985, in Crime No.192 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 1 Kg and 100 grams of Ganja. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner was not in possession of any contraband as alleged by the prosecution. On instructions, he would further submit that the petitioner is ready to deposit an amount of Rs.25,000/- to the Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and prays for grant of bail to the petitioner.



4.The learned Additional Public Prosecutor (Crl.Side) would submit that the accused was in possession of 1 Kg and 100 grams of Ganja. Hence, he vehemently opposed for grant of bail to the petitioner.

5.Taking into consideration the quantum of the contraband is not a commercial quantity and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.25,000/- (Rupees Twenty Five Thousand only), by way of Demand Draft to the Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai, also taking note of the fact that the petitioner is in judicial custody from 08.04.2022, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) by way of Demand Draft to the Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and on such deposit 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 No.II, Tiruvannamalai, Tiruvannamalai District" 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 deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) by way of Demand Draft to the Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent police daily Morning at 10.30 a.m., and Evening 05.00 p.m, until further orders.

[d] 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.

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17/06/2022

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, TIRUVANNAMALAI,
TIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE INSPECTOR OF POLICE,
TIRUVANNAMALAI EAST POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE,
ADYAR CANCER INSTITUTE (WIA),
EAST CANAL BANK ROAD,
ADYAR, CHENNAI.

+1 CC to M/S. C.C.CHELLAPPAN Advocate on payment of necessary charges SR.NO. 9474

CRL OP.13952/2022

Date :17/06/2022

RW-17/06/2022