



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM

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

CrI.O.P.No.14379 of 2022

G.Prabhakaran

...Petitioner

Vs.

State, Rep. by
Inspector of Police,
H-8, Thiruvottiyur Police Station,
Chennai - 600 019.
Cr. No.344 of 2022

...Respondent

PRAYER:-Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge him on bail pending investigation in H-8, Thiruvottiyur PS Cr.No.344 of 2022 on the file of the Inspector of Police, H-8 Thiruvottiyur Police Station, Chennai.

For Petitioner : Mr.K.M.Ramesh
For M/s. S.Apunu

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

ORDER

The petitioner/A4, who was arrested and remanded to judicial custody on 10.04.2022 for the offences punishable under Sections 8 (c), 22(c) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in crime No.344 of 2022 on the file of the respondent police, seeks bail.

2. The present case has been registered by the Respondent against the petitioner herein along with 5 others on the basis of info said to be the confident information received from the informant of the Respondent and suo motto complaint.

3. The learned counsel appearing for the petitioner submitted that there are totally six accused in this case, in which the petitioner is arrayed as A4. There was a quarrel between the petitioner and his wife with regard to their family, in which, his wife called 100 at around 12.00 noon on 09.04.2022. At that juncture, at about 3.30 p.m., the Police personnels came to the



petitioner's house and found that petitioner's wife only called the Police. However, the dispute between the petitioner and his wife was solved and as such, sought for apology by the Police personnel. Even then, the respondent Police have taken the petitioner to the Police station, for the purpose that he has to give an undertaking letter that hereafter he will not indulge in any illegal activities as against his wife. However, the petitioner's wife also followed along with the petitioner to the police station. Thereafter, the respondent police foisted a false case against the petitioner along with other accused, where the petitioner is no way connected with the accused and has no previous antecedents. He also pointed out that on 10.04.2022, other accused persons along with two others were arrested and remanded to judicial custody in Crime No.343 of 2022 for the offences under Section 41(2) of Cr.P.C. One Mr.Chandran, Head Constable arrested them and remanded to judicial custody. On the very same day, at about 12.30 hrs, very same Police and others, arrested the accused in the present crime registered in Crime No.344 of 2022 alleged that the A1 was in possession of 25 tablets of MDMA weighing about 12.80 gms and it is a commercial quantity.

4. The learned Additional Public Prosecutor also produced the confession statement of A1 and A3.

5. According to the A1 confession statement, he involved in the case of murder of relative of one Gangadharan along with his friends, for the reason that, his friend was already murdered by other group of persons including the petitioner herein. Whereas, the case of the prosecution in the present case is that, the petitioner along with A1 were on the possession of the contraband and about to sell the same in the market illegally. It is seen that, when the A1 murdered the brother of Gangadharan, in which group the present petitioner belongs to, A1 could not have friendship with the petitioner herein to sell the contraband.

6. That apart, on perusal of the confession statement of A3 revealed that, A1 only was in possession of the contraband, whereas A3 and others including the petitioner herein were standing near the Maatu Mandhai over-bridge, Thiruvottriyur, where they were arrested by the respondent. In the confession statement, A1 did not even whisper about joint possession of the contraband. That apart, the other accused were arrested in the case of attempt to commit murder of one mixer Karthi, when they were arranging the equipments and remanded to judicial custody by the very same respondent police.

7. Therefore, the petitioner have made out a prima-facie case to fulfill the conditions as contemplated under Section 37 of NDPS Act and as such, this Court is inclined to grant bail to the petitioner for the reason of above facts and circumstances and also the period of incarceration by the petitioner from the date of his arrest on 10.04.2022.



8. Accordingly, 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, Thiruvottiyur, Chennai 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 twice daily 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/-

23/06/2022

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,
THIRUVOTTIYUR, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI.



4 THE INSPECTOR OF POLICE,
H-8, THIRUVOTTIYUR POLICE STATION,
CHENNAI 600 019.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.APUNU Advocate on payment of necessary charges
SR.NO. 9796

CRL OP.14379/2022

Date :23/06/2022

RW-23/06/2022