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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2022

CORAM

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

Cr1.O.P.No.15408 of 2022

Mohan

...Petitioner

Vs.

State, Rep. by
The Inspector of Police,
P-3, Vyasarpadi Police Station,
Chennai 600 081.
Cr. No.183 of 2022

...Respondent

PRAYER:-Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in Crime No.183 of 2022 on the file of the P-3, Vyasarpadi Police Station, Chennai District.

For Petitioner : Mr.A.Muthukumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.05.2022 for the offence under Sections 8(c) read with 20(b)(ii) (B), 25, 29(I) of NDPS Act in crime No.183 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused was in possession of 10 kg of Ganja. Hence, the case.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. Further, on instruction, he would submit that in order to show his bonafide, the petitioner is ready and willing to deposit a sum of Rs.25,000/- to Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai. That apart, the petitioner was arrested and remanded to judicial custody on 01.05.2022. Hence, he prays for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor submits that the petitioner along with other accused were in possession of 10 kgs of Ganja and he further submits that there are two previous cases pending as against the petitioner. Hence, he opposed to grant bail to the petitioner.

5. 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 considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner ie., from 01.05.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) directly to 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 X Metropolitan Magistrate Court at Egmore 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) directly 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 at 10.30 a.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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-sd/-
05/07/2022

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 METROPOLITAN MAGISTRATE,
NO.X, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI.

4 THE INSPECTOR OF POLICE
P-3 VYASARPADI POLICE STATION,
CHENNAI 600 081.

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.A.MUTHUKUMAR Advocate on payment of necessary charges SR.NO. 10754

CRL OP.15408/2022

Date :05/07/2022

RW-06/07/2022