



WEB COPY



Crl.OP.No.15701 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM

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

Crl.O.P.No.15701 of 2022

Silambarasan

...Petitioner

Vs.

State, Rep. by
The Inspector of Police,
H-5, New Washermenpet,
Chennai.
Crime No.349 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 of the case in the Crime No.349 of 2022 on the file of the respondent police, (H-5, New Washermenpet Police Station).

For Petitioner : Mr.M.Illiyas

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



CrI.OP.No.15701 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.05.2022 for the offence under Sections 8(c), 22(b) of NDPS Act, 1985, in Crime No.349 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 10 MDMA ECTACY Tablet (5 grams and 52 milligrams) without any valid permit from the concerned authority. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. That apart, the petitioner was arrested and remanded to judicial custody on 17.05.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the alleged quantity is a commercial quantity. Hence, he opposed to grant bail to the petitioner.



Crl.OP.No.15701 of 2022

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner i.e., from 17.05.2022, this Court is inclined to grant bail to the petitioner.

6. 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 **XV Metropolitan Magistrate G.T, 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 stay at Pennagaram and report before the Pennagaram police station twice daily at 10.30.a.m., and 04.30 p.m., for a period of four weeks and thereafter report before the respondent police daily at 10.30.a.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.



Crl.OP.No.15701 of 2022

WEB COPY [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.

07.07.2022

Sma

To

1. XV Metropolitan Magistrate G.T,
Chennai
2. The Inspector of Police,
H-5, New Washermenpet,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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Crl.OP.No.15701 of 2022

G.K.ILANTHIRAIYAN, J.

Sma

Crl.O.P.No.15701 of 2022

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