

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2022

CORAM

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

Crl.OP.No.15865 of 2022

Kathir @ Murugavel

..Petitioner

Vs.

State Rep by  
The Inspector of Police,  
Washermenpet Police Station,  
Chennai - 600 077.  
Crime No.355 of 2022

..Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.355 of 2022 pending on the file of the Respondent.

For Petitioner : Mr.R.Vivekananthan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.05.2022 for the offences punishable under Sections 8(c), 22(c) of the Narcotic Drug and Psychotropic Substances Act, 1985 in Crime No.355 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 were in possession of 22 MDMA ECTACY tablets weighing 11 gram 67 mg. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that even according to the case of the prosecution, the petitioner along with two others were in possession of 17.97 mg of MDMA ECTACY and it comes to 1.167g and it is an in between quantity and therefore it is not a commercial quantity. On instructions, he would further submit that the petitioner is ready to deposit a sum of Rs.20,000/-

(Rupees Twenty Thousand Only) to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai, and prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that apart from this case, the petitioner has seven previous case pending against him. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the facts of the case and the submissions made by the learned counsel for the petitioner and also taking note of the fact that the petitioner has come forward to deposit a sum of Rs.20,000/- to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only), by way of Demand Draft to the 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 XV Metropolitan Magistrate GT Court 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.20,000/- (Rupees Twenty Thousand only), by way of Demand Draft to the 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 stay at Dharmapuri and report before the Inspector of Police, Thoppur Police Station, Dharmapuri District daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police daily at 10.30 a.m. and 05.30 p.m. for a period of two weeks and thereafter report before the respondent police as and when required for interrogation.

[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.

-sd/-  
08/07/2022

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.XV, GEORGE TOWN, CHENNAI.

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

3 THE SUPERINTENDENT,  
CENTRAL PRISON, PUZHAL,  
CHENNAI.

4 INSPECTOR OF POLICE,  
WASHEERMENPET POLICE STATION,  
CHENNAI 600 007.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

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

7 THE INSPECTOR OF POLICE,  
THOPPUR POLICE STATION,  
DHARMAPURI DISTRICT.

+1 CC to M/S R.VIVEKANANTHAN Advocate on payment of necessary  
charges SR.NO. 11034

CRL OP.15865/2022

Date :08/07/2022

RW-08/07/2022