



WEB COPY



CrI.OP.No.16455 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2022

CORAM

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

CrI.OP.No.16455 of 2022

1.Unnikrishnan
2.Asiff @ Rajesh

..Petitioners

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge them on bail pending investigation of the case in the
Crime No.290 of 2022 on the file of the respondent Police, (H-6,
R.K.Nagar Police Station).

For Petitioners : Mr.M.Illiyas

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

ORDER

The petitioners, who were arrested and remanded to judicial



Crl.OP.No.16455 of 2022

custody on 06.05.2022 for the offence under Sections 8(c), 20(b)(ii)(B), 29(i) of NDPS Act in crime No.290 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with other accused persons were found in possession of 1.5 kgs of Ganja for the purpose of selling it to the general public. Hence, the case was registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that a false case has been foisted against the petitioners. He would also submit that the petitioners were arrested and remanded to judicial custody on 06.05.2022. Hence, he prays for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners along with other accused persons was found in possession 1.5 kgs of Ganja for the purpose of selling it to the general public. He would



Crl.OP.No.16455 of 2022

also submit that the 1st petitioner has five previous cases and 2nd petitioner has seven previous cases pending against them.

5. There are totally 6 accused in which the petitioners are arrayed as A2 and A5. They had previous cases of similar in nature, however all the accused were in possession of contraband below commercial quantity.

6. Considering the above facts and circumstances of the case and considering the period of incarceration, this Court is inclined to grant bail to the petitioners. Accordingly, the each of the petitioners shall deposit a sum of Rs.25,000/-(Rupees Twenty Five Thousand only), by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and on such deposit the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned XV M.M, G.T, Chennai and on further conditions that :-



CrI.OP.No.16455 of 2022

WEB COPY

[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] each of the petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five 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 petitioners shall stay at Krishnagiri and report before the Inspector of Police, Krishnagiri Town Police Station twice daily at 10.30 a.m. and 5.30 p.m. for a period of four weeks and thereafter before the respondent police daily at 10.30 a.m., until further orders.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.



WEB COPY

mpl



CrI.OP.No.16455 of 2022

15.07.2022



WEB COPY



Crl.OP.No.16455 of 2022

G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The XV M.M., G.T, Chennai.
- 2.The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.
- 3.Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras

Crl.O.P.No.16455 of 2022

15.07.2022