



Crl.OP.No.17957 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2022

CORAM

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

Crl.OP.No.17957 of 2022

Vichu @ Saileshkumar

..Petitioner

Vs.

State Rep by  
Inspector of Police,  
H-5, New Washermenpet Police Station,  
Chennai 600081.

..Respondent

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

|                |                                                   |
|----------------|---------------------------------------------------|
| For Petitioner | : Mr.S.Prabhudoss                                 |
| For Respondent | : Mr.A.Damodaran,<br>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 NDPS Act, in Crime No.355 of 2022 on the file of the respondent police, seeks bail.



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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 appearing for the respondent would submit that the petitioner along with other accused were in possession of 22 MDMA ECTACY tablets weighing 11 gram 67 mg. Hence, he vehemently opposed to grant bail to the petitioner.



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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 M.M. 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.



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[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 report before the respondent police twice daily at 10.30 a.m. and 05.30 p.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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mpl



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**G.K.ILANTHIRAIYAN, J.**

mpl

To

- 1.The XV M.M. G T Chennai.
- 2.The Inspector of Police,  
H-5, New Washermenpet Police Station,  
Chennai 600081.
- 3.Central Prison Puzhal Chennai.
- 4.The Public Prosecutor,  
High Court of Madras.

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