



WEB COPY



Crl.O.P.No.18058 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2022

CORAM

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

Crl.O.P.No.18058 of 2022

Mohan @ Mohanasundaram

... Petitioner

Vs.

The State rep. by is,
Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.
(Cr.No.105/2022)

... Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in pending investigation in
Crime No.105 of 2022 on the file of the respondent police.

For Petitioner : Mr.D.Padmanabhan

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

ORDER

The petitioner, who was arrested and remanded to judicial



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custody on 02.02.2022 for the offences punishable under Sections 8(c), 20(b)(ii)(A), 22(c) & 29(i) of NDPS Act 1985 in Crime No.105 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 Nitrovit 10 tablets - 40 strips (each strips containing 30 tablets). Hence, the complaint.

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.50,000/- to **Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**. That apart, the petitioner was arrested and remanded to judicial custody on 02.02.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner was found in possession of



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Nitrovit 10 tablets - 40 strips (each strips containing 30 tablets). Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner ie., from 02.02.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty 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 Spl. Principal and Session District Judge NDPS Court, 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 deposit a sum of Rs.50,000/-(Rupees



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Fifty 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 stay at Attur and report before the Inspector of Police, Attur Police Station twice daily at 10.30 a.m. and 5.30 p.m. for a period of six weeks and thereafter report before the respondent police twice daily at 10.30.a.m., and 05.30.p.m., for a period of six weeks and thereafter 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.

10.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

1. The Spl. Principal and Session District Judge NDPS Court,
Chennai.
2. The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.
3. Central Prison-II,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras

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