



WEB COPY



CrI.OP.No.17961 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2022

CORAM

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

CrI.OP.No.17961 of 2022

1.Surya @ Kerala Surya
2.Ellappan

...Petitioners

Vs.

State Rep. by
The Inspector of Police,
N4 Fishing Harbour Police Station,
Chennai.
Cr. No.99 of 2022.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in the above Cr.No.99/2022 on
the file of the respondent.

For petitioners : Mr.S.Senthilvel

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

ORDER

The petitioners, who were arrested on 04.06.2022 and
remanded to judicial custody on 05.06.2022 for the offences punishable



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under Sections 8(C), 20 (b)(ii)(B), 22(c), 25 & 29(1) of NDPS Act in crime No.99 of 2022 on the file of the respondent police, seeks bail.

2. There are totally 4 accused, in which the petitioners are arrayed as A3 and A4. Even according to the case of the prosecution, A1 and A2 were in possession of alleged contraband. On their confession statement, the petitioners have been implicated. Admittedly, there was no recovery from the petitioners. They were also not present in the scene of crime. Though the contraband was seized from A1 and A2, since the petitioners were not in possession of any contraband, they have been implicated as an accused on the confession statement recorded from the A1 and A2.

3. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioners from the date of their arrest i.e.05.06.2022, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** with **two blood related sureties**, each for a like sum



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to the satisfaction of the **learned XVI M.M. George Town, 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 petitioners shall report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m., until further orders.

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

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter abscond, 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 XVI M.M. George Town, Chennai.
- 2.The Inspector of Police,
N4 Fishing Harbour Police Station,
Chennai.
- 3.Central Prison, Puzhal-II, Chennai.
- 4.The Public Prosecutor,
High Court of Madras

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