



Crl.OP.No.19835 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.19835 of 2022

Srikanth @ Chintu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai.

(Crime No.182/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in connection
with the Crime No.182 of 2022 on the file of the respondent Police.

For Petitioner : Mr.K.Tamilvanan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.05.2022 for the offences punishable under Sections 8(c), 22(c), 29 (1) & 25 of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.182 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that A2 and A3 had indulged in the illegal sale of DOB Stamp Drugs at the Car Park Area in VR Mall. A3 was in possession of six numbers of 1.4 mg of DOB Stamp Drugs and also one REDMI Phone and A2 was also in possession of six numbers of 1.4 mg of DOB Stamp Drugs and also one REDMI Phone. Thereafter upon investigation, it was found that A1 had sold the contraband to A2 and A3 and also A1 was in possession of 11 numbers of Ganja/HASHISH and that A1 had sold the Ganja/HASHISH Stamp Drugs for monetary gain and was selling the contraband using his Honda City Car. The respondent police has confiscated 500 grams of the contraband along with an electronic weighing machine and a cell phone from A1. Hence, the complaint.



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3. The learned counsel appearing for the petitioner would submit that there are totally 3 accused in this case and the petitioner is arrayed as A1 and the petitioner was implicated in this case based on a confession statement recorded from A2 and A3 and other than 500 grams of HASHISH recovered from the petitioner, no other contraband has been recovered from the petitioner. He would further submit that the said contraband does not fall within the commercial quantity and since, the petitioner is similarly placed as that of the other two accused, who have been granted bail, the petitioner is entitled for grant of bail on the ground of parity. He would also submit that the petitioner is in custody for more than 90 days. Hence, he prays for grant of bail to the petitioner.

4. The respondent has filed a detailed counter. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is a person, who was alleged to have supplied the contraband to the other accused and based on the confession given by the other two accused, 500 grams of HASHISH has been recovered from the petitioner. Therefore, he vehemently opposed to grant bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and that the petitioner has been implicated only based on the confession statements recorded from the other two accused and A2 has been granted bail in Crl.O.P.No.19038 of 2022 dated 07.09.2022 and also the fact that only 500 grams of HASHISH has been stated to have been recovered from the petitioner, which is not a commercial quantity, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner shall deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** by way of a Demand Draft to **Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram**, and on such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, out of which one surety should be a



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blood related surety, each for a like sum to the satisfaction of the **learned**

XIII Metropolitan Magistrate, Egmore, 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.25,000/- (Rupees Twenty Five Thousand only)**, by way of Demand Draft to the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram and that the receipt of such payment shall be produced before the Magistrate concerned at the time of executing the bond;

[c] the petitioner shall report before the respondent police twice daily at 10.30 a.m. and 5.30 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;



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

12.09.2022

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To

1. The XIII Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai.
3. The Superintendent,
Central Prison,
Puzhal, Chennai
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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