



Crl.O.P.No.20621 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2022

CORAM

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

Crl.O.P.No.20621 of 2022

P.Prasanth @ Appu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
N-4, Fishing Harbour Police Station,
Washermenpet District,
Chennai.
Crime No.148 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.148 of 2022 on the file of
the respondent police.

For Petitioner : Mr.M.Sathish Kumar

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



Crl.O.P.No.20621 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.07.2022 for the offences punishable under Sections 8(c), 20(b)(ii)(B) of NDPS Act, 1985, in Crime No.148 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receipt of the secret information, when the respondent police conducted a search, the petitioner was found in possession of 1.2 Kgs of Ganja. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and the case has been put up for statistical purpose. He would also submit that there are no previous cases as against the petitioner. He would further submit that the petitioner is in custody from 16.07.2022 Therefore, he prays for grant of bail to the petitioner.

4. The respondent has filed a detailed counter. The learned



Crl.O.P.No.20621 of 2022

Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner was found in possession of 1.2 Kgs of Ganja. He would also state that there are no previous cases as against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also the period of incarceration suffered by the petitioner and that there is no previous case as against the petitioner and also the minimum quantity of the contraband, this Court is inclined to grant bail to the petitioner.

7. Accordingly, 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**, each for a like sum to the satisfaction of the **learned XVI Metropolitan Magistrate, George Town, Chennai**, and on further



Crl.O.P.No.20621 of 2022

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 report before the respondent police daily at 10.30 a.m., and 05.30 p.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner 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 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]**;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.



WEB COPY

rgi



Crl.O.P.No.20621 of 2022

20.09.2022

To

1. The XVI Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
N-4, Fishing Harbour Police Station,
Washermenpet District,
Chennai.
3. The Superintendent,
Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.20621 of 2022

A.D.JAGADISH CHANDIRA., J.

rgi

Crl.O.P.No.20621 of 2022

20.09.2022