



Crl.O.P.Nos.21219, 20613, 20826 & 23230 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

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

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J.Victoria	... Petitioner in Crl.O.P.No.21219 of 2022
Kana Ragul	... Petitioner in Crl.O.P.No.20613 of 2022
Surya @ Gajini	... Petitioner in Crl.O.P.No.20826 of 2022
Shiyam Prakash	... Petitioner in Crl.O.P.No.23230 of 2022

Vs.

The State Represented by,
The Inspector of Police,
H-3 Tondiarpet Police Station,
Chennai District.

Crime No: 160 of 2022 ... Respondent in all Crl.O.P.Nos.

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleased enlarge the petitioners on bail in Crime No.160 of 2022 on the file of respondent Police.



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For Petitioners : Mr.N.Saravana Kumar (Crl.O.P.No.21219 of 2022)
Mr.V.Anandhan (Crl.O.P.No.20613 of 2022)
Mr.N.Nishar Ahamed (Crl.O.P.No.20826 of 2022)
Mr.M.Illiyas (Crl.O.P.No.20826 of 2022)

For Respondent : Mr.C.E.Pratap
Govt. Advocate (Crl.Side) (In all Crl.O.P.Nos.)

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 13.05.2022, 05.05.2022, 23.05.2022 and 07.05.2022 respectively, for the offences punishable under Sections 8(c) 22(c), 29(1) of NDPS Act and Section 77 of Juvenile Justice Act, in Crime No.160 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 05.05.2022, on receiving a secret information about the illegal transportation of Narcotic Substances at Kailasam Street, Tondiarpet, the respondent Police conducted a check up, where the accused were found in illegal possession of Elza - 10 (Nitrozepam 10 mg) -1400 tablets which contains 192 grams and TIXXY 0.5(Alprazolam



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Tablet 0.5 mg) - 750 tablets which contains 90 grams. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and only based on the confession statement recorded from the first accused, they have been falsely implicated in this case. They would further submit that all the alleged contrabands were recovered only from the first accused and no contrabands have been recovered from these petitioners and also state that the entire contraband are not a commercial quantity. They would also submit that the main accused from whom the entire contrabands were recovered has been granted with bail by this Court in Crl.O.P.No.17825 of 2022 dated 29.07.2022 and the petitioners were suffering incarceration more than 100 days and hence, they seek for grant of bail to the petitioners.

4. The respondent has filed the detailed counters.



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5. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners are arrayed as A6, A5, A4 & A3 in this case respectively. He would further submit that the petitioners along with the other accused have found in illegal possession of Elza - 10 (Nitrozepam 10 mg) -1400 tablets which contains 192 grams and TIXXY 0.5(Alprazolam Tablet 0.5 mg) - 750 tablets which contains 90 grams. He would further submit that as far as the petitioner in Crl.O.P.No.20613 of 2022 is concerned, he has got three previous cases, out of which one is of similar in nature. Hence, he vehemently opposed to grant bail to the petitioner.

6. Heard the learned Counsel appearing for the petitioners in all Crl.O.P.Nos. and the learned Government Advocate (Crl.Side) appearing for the respondent Police and perused the materials available on record.

7. Taking into consideration the facts and submissions made by the learned counsel and taking note of the fact that the petitioners were implicated in this case only based on the confession statement recorded from



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the main accused and also considering the fact that the main accused, from whom the entire contraband has been recovered, has been granted with bail by this Court, this Court is inclined to grant bail to the petitioners.

8. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** each with **two sureties** (out of which one surety should be a blood related surety and should produce document to show his/her means and other surety shall be a government surety), for a like sum to the satisfaction of the **learned XV Metropolitan Magistrate, 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, every day at 10.30 a.m. and 5.30p.m., until further orders;

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



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[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.

13.10.2022

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To

1. The XV Metropolitan Magistrate, George Town, Chennai.
2. The Inspector of Police
H-3 Tondiarpet Police Station,
Chennai.
3. The Central Special Prison for Women,
Puzhal.
4. The Central Prison,
Puzhal.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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