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Crl.OP.No.21697 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2022

CORAM

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

Crl.OP.No.21697 of 2022

John@ Johnson

..Petitioner

Vs.

State rep. by
The Inspector of Police,
H-3, Tondiarpet Police Station
Chennai.
(Crime.No.1212 of 2021)

..Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail, pending investigation in Crime No.1212 of 2021 on the file of the respondent Police.

For Petitioner	: Mr.S.Senthilvel
For Respondent	: Mr.S.Santhosh
	Govt. Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.09.2021 for the offence punishable under Section 8(c) r/w 20 (b)(ii)(B), 22(c), 25 and 29 (1) of NDPS Act, 1985 and Sections 147, 148 of IPC in C.C. No.38 of 2022 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner and the other accused were found in possession of 1.500 kgs of Ganja and Nitrovit-10 tablets totally 1125 tablets (876 grams) illegally. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Therefore, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that this is the third bail petition. Earlier, this Court dismissed two bail petitions filed by the petitioner in Crl.O.P.No.11335 of 2022, on 13.06.2022 and Crl.O.P.No.17053 of 2022, on 27.07.2022. Considering the fact that the petitioner's arrest was shown in PT warrant in Crime No.1999 of 2021 on the file of the H5, New Washermenpet Police Station and the petitioner failed to fulfil the twin conditions as contemplated under Sections 37 of NDPS Act, 1985. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the above facts and circumstances of the case, and also taking note of the fact that the petitioner is in judicial custody, this Court is inclined to grant bail to the petitioner.



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6.Considering the facts and circumstances of the case and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.25,000/-(Rupees Twenty Five Thousand only), by way of Demand Draft to the **Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram**, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, 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 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 **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 petitioner shall deposit a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) by way of Demand Draft to the **Arignar Anna Memorial**



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Cancer Hospital & Research Institute, Kancheepuram 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 report before the respondent police daily Morning at 10.30 a.m., and Evening 05.00 p.m, until further orders.

[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.

12.09.2022

vsn

To

- 1.The XV Metropolitan Magistrate, George Town, Chennai
- 2.The Inspector of Police,
H-3, Tondiarpet Police Station, Chennai.
3. Central Prison,
Puzhal-II.



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4. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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