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Crl.O.P.No.20846 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.20846 of 2022

Karthick @ Eattu Oosi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
N-4, Fishing Harbour Police Station,
Chennai.
Crime No: 77 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.77 of 2022 on the file of
the Inspector of Police, N-4, Fishing Harbour Police Station, Chennai.

For Petitioner : Mr.R.Mukesh Kannah

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 05.05.2022 for the offences punishable under Sections 8(c) and 22(c) of the NDPS Act, in Crime No.77 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 05.05.2022, when the respondent police conducted a search at Poondi Thangammal Street, the petitioner along with the other accused were found in possession of Alprazolam Sustained Tablets-40 nos (each 4 grams) and Clonazepam Tablets IP – 599 nos (each 71.880 grams) and Alprazolam Sustained Tablets - 356 nos (35.600 grams) and the respondent police seized the above and also one knife, one cell phone and one Yamaha 125 RAY TN-03-AC-3672 from A1. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and that he was arrested for having found in



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possession of Clonazepam Tablets IP – 599 nos (each 71.880 grams) and Alprazolam Sustained Tablets - 356 nos (35.600 grams). He would also submit that there is no previous case as against the petitioner and the petitioner is in custody from 05.05.2022, i.e, for the past 120 days. He would further submit that the quantity recovered from the petitioner is also not a commercial quantity. Therefore, 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 would submit that the petitioner along with the other accused were found in illegal possession of Alprazolam Sustained Tablets-40 nos (each 4 grams), Clonazepam Tablets IP – 599 nos (each 71.880 grams) and Alprazolam Sustained Tablets - 356 nos (35.600 grams). He would further submit that the petitioner has no previous case as against him. However, he vehemently opposed to grant bail to the petitioner.

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



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6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also the fact that the recovered contraband is not a commercial quantity, there is no previous case as against the petitioner and the petitioner is in custody from 05.05.2022, 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 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;



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[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.

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To

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



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A.D.JAGADISH CHANDIRA., J.

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