



Crl.O.P.No.21864 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM

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

Crl.O.P.No.21864 of 2022

Logesh Babu

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
P-6 Kodungaiyur Police Station,
Chennai - 600 118.
(Crime No.631 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.631 of 2022 on the file
of the The Inspector of Police, P-6 Kodungaiyur Police Station, Chennai
- 600 118.

For Petitioner : Mr.Senthil Kumar

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 05.08.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B), 25, 29(1) of the NDPS Act in Crime No.631 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in possession of 12 kgs of Ganja. 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. He would submit that he is the friend of one Haritha, a transgender, who is arrayed as A4 in this case. He would further submit that the said Haritha/A4 and Kaviyarasan @ Kavi/A5 who are similarly placed as that of the petitioner have been granted bail by the learned Principal Special Judge, Under EC & NDPS Act, Chennai on 20.09.2022. Hence he prays for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl.Side)



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appearing for the respondent would submit that the investigation of this case is preliminary stage and if the petitioner is released on bail, he may abscond and may tamper the witnesses. Hence, he vehemently opposed for grant of bail to the petitioner.

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 for the petitioner and that A4 & A5 who have been similarly placed have been granted bail and also considering the period of incarceration suffered by the petitioner, 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.10,000/- (Rupees Ten thousand only)** with **two sureties** each for a like sum to the satisfaction of the **learned**



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Sessions Judge, Special Court for NDPS Act, 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., for a period of four weeks and thereafter every Saturday at 10.30 a.m., until further orders.

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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]**;



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

26.09.2022

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To

1. The NDPS Court,
Chennai.
2. The Inspector of Police,
P-6 Kodungaiyur Police Station,
Chennai - 600 118.
- 3. The Sub Jail,
Saidapet, Chennai.**
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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