



Crl.O.P.No.22592 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2022

CORAM

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

Crl.O.P.No.22592 of 2022

Vasikaran

... Petitioner

Vs.

The State represented by,
The Inspector of Police (L&O),
E-1, Mylapore Police Station,
Chennai 4.

(Crime No.323 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.323
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.Ganesh Pandian

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 03.08.2022 for the alleged offences punishable under Sections 8(c), 20(b)(ii)(B) Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.323 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 03.08.2022 at about 12.00hours, on receipt of a secret information and entering the same in the general diary, the Sub-Inspector of Police along with the Police team went to Kalvivaru Street, Mylapore, wherein, the petitioner along with the other accused were found in illegal possession of 1 Kilogram 250 grams of Ganja and the respondent have seized the contraband under the cover of seizure mahazar and registered a case in Crime No.323 of 2022 under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and since, there are other cases pending against the petitioner, the respondent, in order to curtail the



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activities of the petitioner, have implicated the petitioner in this false case.

He would further submit that there is no previous case as against the petitioner under NDPS Act. He would also submit that the petitioner is in custody from 03.08.2022 and the co-accused in this case one Yuvaraj, has been granted with bail by the learned Principal Special Court under EC & NDPS Act, Chennai in Crl.M.P.No.4037 of 2022 dated 02.09.2022 and hence, he prays for grant of bail to the petitioner.

4. The respondent has filed a detailed counter in this case.

5. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner along with the other accused were found in illegal possession of 1.250 kilograms of Ganja. He would further submit that the petitioner is a history sheeter against whom there are 5 previous cases and he would also submit that no case is pending against the petitioner under NDPS Act and he has not been convicted so far. However, he oppose to grant bail to the petitioner.



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6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case and taking note of the fact that the co-accused has been granted with bail, this Court is inclined to grant bail to the petitioner.

8. 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 XVIII Metropolitan Magistrate, Saidapet, 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 everyday at 5.30 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.

10.10.2022

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To

- 1.The XVIII Metropolitan Magistrate, Saidapet, Chennai.
- 2.The Inspector of Police (L&O),
E-1, Mylapore Police Station,
Chennai 4.
3. The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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