



Crl.O.P.No.22717 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

CORAM

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

Crl.O.P.No.22717 of 2022

Krishnaji

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Ponneri Police Station,
Thiruvallur District.
(Crime No.244 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in Crime
No.244 of 2022 on the file of the respondent Police.

For Petitioner : Mr.R.Sasikumar

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 26.08.2022 for the offences punishable under Sections 328 of IPC r/w Sections 8 (c), 20 (b) (ii) (B) of N.D.P.S Act 1985 in Crime No.244 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 26.08.2022 at about 14.00 hours, on a secret information, the respondent Police went to the place of occurrence and found him in possession of 55 tablets of Nitravet (10mg) and 250 grams of Ganja. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is arrayed as A3 in this case. Even as per the prosecution, the respondent is stated to have recovered 250 grams of Ganja and 55 tablets of Nitravet (10 mg). He would further submit that each Nitravet tablets is stated to be 1.8 grams totally weighing 99 grams of Nitrazepam and the minimum quantity is 20 grams and maximum quantity is 500 grams. He would further submit that though confession stated to have been recorded from the



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petitioner, there is nothing to suggest that the petitioner is connected with the other accused who have been arrested. In such circumstances, the contraband alleged to have been recovered from the petitioner is minimum quantity. He would further submit that there is no previous case pending against the petitioner and hence, he prays for grant of bail.

4.Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that on information, the respondent went to the place of occurrence and found three persons standing in the same place. He would further submit that at that time 250 grams of Ganja and 55 tablets of Nitrovet (10 mg) were recovered from the petitioner. He would further submit that there is no previous case pending against the petitioner. He opposed for grant of bail.

5.Considering the fact and circumstances of the case and also of the fact that there is no previous case pending as against the petitioner, this Court is inclined to grant bail to the petitioner.



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6. 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, in which, one surety should be either mother or father of the petitioner**, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Ponneri 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 5.30 p.m., until further orders.

[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



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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.

29.09.2022

vkr

To

1.The Judicial Magistrate No.II, Ponneri.

2.The Inspector of Police,
Ponneri Police Station,
Thiruvallur District.

3.The Central Prison, Puzhal.

4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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