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Crl.OP.No.23410 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

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

Crl.OP.No.23410 of 2022

Rohith Manikandan

..Petitioner

Vs.

The State Rep by
The Inspector of Police,
H-5, New Washermenpet Police Station,
New Washermenpet, Chennai.
(Crime No. 155 of 2022)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.155 of 2022 on the file of the respondent Police.

For Petitioner	: Mr.C. Balaji
For Respondent	: Mr.A.Gokulakrishnan Additional Public Prosecutor.

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.03.2022 for the alleged offence punishable under Section 8(c) r/w 20(b)(ii)(B), 22(a), 22(c) of NDPS Act 1985 in Crime No. 155 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 along with other accused were found in illegal possession of banned 2 Kgs of Ganja and 5 grams of Methamphetamine. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner. That apart, he has been suffering incarceration from 06.03.2022. Hence, he prays for grant of bail to the petitioner.

4. The leaned Additional Public Prosecutor appearing for the respondent/police would submit that the petitioner along with other accused were in possession of 2 Kgs of Ganja and 5 grams of Methamphetamine. He would further submit that this is the third bail petition. In earlier occasion, this Court had dismissed the bail petition filed by the petitioner in Crl.O.P.No.11516 of 2022 and Crl.O.P.No.19439 of 2022 dated 18.07.2022 and 17.08.2022 respectively. Therefore, he vehemently opposed to grant bail to the petitioner.



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5. Even according to the prosecution, there were two accused, in which the petitioner is A1. He was in possession of 2 Kgs of Ganja and 5 grams of Methamphetamine. On confession of A2, the other contraband was seized from the other accused, which are under commercial quantity. However, the petitioner along with other accused was in possession of 2 Kgs of Ganja and 5 grams of Methamphetamine.

6. Considering the above facts and circumstances of the case, and also the period of incarceration of the petitioner from the date of his arrest i.e. 06.03.2022 and also taking note of the fact that the petitioner has come forward to donate an amount of Rs.50,000/-(Rupees Fifty Thousand only) to the credit of the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall donate a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864;



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No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034;

Ph No.8939065431, and on such donation 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 donate a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431, and that the receipt of such donation 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 05.30 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



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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.

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To

- 1.The XV Metropolitan Magistrate,
George Town, Chennai.
- 2.The Inspector of Police,
H-5, New Washermenpet Police Station,
New Washermenpet, Chennai.
3. Central Prison,
Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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