

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.Nos.23292 and 23423 of 2022

Thiyagarajan ...Petitioner in Crl.O.P.No.23292 of 2022

Sarath @ Sarath Kumar ...Petitioner in Crl.O.P.No.23423 of 2022

Vs.

State Rep by
The Inspector of Police,
Mangadu Police Station,
(Crime No.668/2022).

... Respondent in both Crl.O.Ps.

COMMON PRAYER: Criminal Original PetitionS filed under Section 439 of Cr.P.C., pleased to enlarge the petitioners on bail in Crime No.668 of 2022 on the file of the respondent Police.

For Petitioner
in Crl.O.P.No.23292 of 2022 : Mr.S.Senthil Murugan

For Petitioner
in Crl.O.P.No.23423 of 2022 : Mr.N.Kanagaraj

For Respondent : Mr.C.E.Pratap
in both Crl.O.Ps. Government Advocate (Crl.Side).

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 20.08.2022 for the offences punishable under Sections 8 (c), 22 (a) of N.D.P.S Act r/w 328 of IPC in Crime No.668 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 19.08.2022, while the defacto complainant on the way near Kovur EB, the petitioners who were already known to him stopped the defacto complainant and offered him a two drug tablets. The accused also told the complainant to take the tablet by mixing in the water and inject the body, based on that, the defacto complainant injected himself and went home and slept. The further case is that on 20.08.2022 the complainant had struggled to breath and his family members admitted him in the Hospital. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this

case. He would further submit that even as per the prosecution, the contraband recovered from the petitioners is 325 nos of Tydol tablets (per table weighing 100 mg). He would further submit that the tydol tablet is not a scheduled substance under the NDPS Act. That apart, the petitioners have been suffering incarceration from 20.08.2022. Hence, he prays for bail to the petitioners.

4.The learned Government Advocate (crl.side) appearing for the respondent Police would submit that the petitioners were found in possession of 325 nos of Tydol tablets (per table weighing is 100 mg). He would further submit that the Tydol is not a scheduled substance under the NDPS Act. However, he opposed for grant of bail to the petitioners.

5.Considering the fact and circumstances of the case and also considering the period of incarceration undergone by the petitioners from the date of arrest i.e., from 20.08.2022, this Court is inclined to grant bail to the petitioners.

6. Accordingly, both the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** each with **two blood sureties, in which, one surety should be either mother or father of the petitioners**, each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambattur and the learned Judicial Magistrate, Sriperumbudur respectively 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 petitioners shall report before the respondent Police daily at 10.30 a.m and 5.30 p.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the

petitioners 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.

29.09.2022

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To

- 1.The Judicial Magistrate, Ambattur.
- 2.The Inspector of Police,
Mangadu Police Station,
(Crime No.668/2022).
- 3.The Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.
- 5.The Judicial Magistrate, Sriperumbudur.

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A.D.JAGADISH CHANDIRA., J.

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