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Crl.OP.No.23369 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

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

Crl.OP.No.23369 of 2022

Venkatraman

...Petitioner

Vs.

State Rep. by
Inspector of Police,
Arcot Town Police Station,
Ranipet District.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail, concerned in Cr.No.231 of 2022
on the file of the respondent police.

For Petitioner :Mr.N.S.Amarnath

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 31.07.2022 for the offences punishable under Sections 8(c)



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and 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.231 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 31.07.2022 at about 15.00 hours, the respondent police station received a secret information. Based on that information, the Sub Inspector of Police and his team went to the place of occurrence i.e., one old house near Nagathamman Kovil, Masilamaninagar, Arcot and found the accused person who were in possession of 1.300 grams of dry ganja, which comes under non commercial quantity kept for illegal sale. Immediately, the respondent police have secured A1 & A2/petitioner herein. After seeing the respondent police, A3 & A4 escaped from the spot. Based on the special report of the Sub Inspector of Police, on 31.07.2022, at about 17.30 hours, the respondent police have arrested A1 & A2/petitioner herein in the place of occurrence and also recorded their confession statement. Based on the confession statement of the accused, the respondent police have seized 1.300 Kg of Ganja from the petitioner herein in the place of occurrence vide seizure mahazar dated 31.07.2022. Hence, the case.



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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 based on the confession statement of the co-accused. Hence, prays for grant of bail to the petitioner.

4. The respondent has filed a detailed counter.

5. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with other accused persons were found in possession of 1.300 Kg of Ganja. He would further submit that there is no previous case pending as against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

6. Heard the learned counsel. Perused the counter filed by the learned Government Advocate (Crl.side) appearing for the respondent.



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7. Taking into consideration the facts and circumstances of the case, 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 **learned District Munsif cum Judicial Magistrate, Arcot, Ranipet District** 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 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.



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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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mpl



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A.D.JAGADISH CHANDIRA, J.

mpl

To

- 1.The District Munsif cum Judicial Magistrate,
Arcot, Ranipet District.
- 2.The Inspector of Police,
Arcot Town Police Station,
Ranipet District.
- 3.Central Prison at Salem.
- 4.The Public Prosecutor,
High Court of Madras

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