



Crl.O.P.No.24089 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

CORAM

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

Crl.O.P.No.24089 of 2022

Kishore @ Kishore Kumar

... Petitioner

Vs.

State rep. By:-
Inspector of Police,
N-1 Royapuram, Police Station,
Chennai - 600 013
(Crime No.1489 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in Crime No.1489 of 2021 on the file
of the N1 Royapuram Respondent Police.

For Petitioner : Mr.A.Venkatesh

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 06.07.2022, for the offences punishable under Sections 8(c), 20(b)(ii)(B) of NDPS Act, 1985, in Crime No.1489 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receipt of secret information, when the respondent police conducted search, the petitioner along with the other accused was found in possession of 1.3 Kgs of Ganja. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he is a student, studying ITI. He would further submit that he has been arrested on the allegation that he along with the other accused was in possession of 1.3 Kgs of Ganja. He would also submit that there are no previous cases as against the petitioner and the petitioner is in custody from 06.07.2022. Therefore, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner along with the other accused was found in possession of 1.3 Kgs of Ganja. He would also submit that during the course of the investigation, it was found that the petitioner is a student, studying ITI. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel, the age of the petitioner and the period of incarceration suffered by the petitioner and also the quantity of the contraband, this Court is inclined to grant bail to the petitioner.

7. 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, out of which, one surety should be either the father or the mother of the petitioner**, each for a like sum to the



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satisfaction of the **learned XVI 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 report before the respondent Police daily at 10.30 a.m., and 05.30 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 in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

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To

1. The XVI Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
N-1 Royapuram, Police Station,
Chennai - 600 013
3. The Central Prison II, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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