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Crl.OP.No.25358 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM

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

Crl.OP.No.25358 of 2022

Anand @ Elianand

... Petitioner

Vs.

State by the Sub Inspector of Police,
The Inspector of Police,
V-I, Villivakkam Police Station,
Chennai.
Crime No.319 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.319 of 2022 pending
investigation on the file of the respondent.

For Petitioner : Ms.R.Saritha

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 29.07.2022 for the offences punishable under Sections 8(c), 20(b) (ii) (B) and 25 (1)(a) of NDPS Act, in Crime No.391 of 2021 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused was found to be in illegal possession of 2 Kgs of Ganja. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has nothing to do with the alleged offence. She would submit that even as per the FIR, the contraband has been recovered from A1 and the A1 has been granted bail. The petitioner is in custody for nearing 90 days. Therefore, she prays for grant of bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the



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respondent would submit that the petitioner along with the five other accused was found to be in possession of 2 Kgs of Ganja. He would further submit that there is 1 previous case of similar nature as against the petitioner and the charge sheet has also been filed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and the co accused in this case has been granted bail and no contraband has been recovered from the petitioner, 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**, in which, one surety should be either father or mother of the petitioner, each for a like sum to the satisfaction of the



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learned XIII Metropolitan Magistrate, Egmore, 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;

[c] the petitioner shall report before the respondent Police daily at 10.30 a.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 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];**

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

02.11.2022

shk

To

1. The learned XIII Metropolitan Magistrate, Egmore, Chennai.
2. The Inspector of Police,
V-I, Villivakkam Police Station,
Chennai.
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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